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# COLLECTION

OF THE

# PUBLIC GENERAL STATUTES,

PASSED IN THE

## Twelfth and Thirteenth Year

OF THE REIGN OF HER MAJESTY

# QUEEN VICTORIA:

Being the SECOND SESSION of the FIFTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

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# TABLE

OF

## All the STATUTES passed in the SECOND Session of the FIFTEENTH Parliament of the United Kingdom of *Great Britain* and *Ireland*.

## 12° & 13° *VICT.*

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lxxix. An Act to enable the *Edinburgh and Northern* Railway Company to construct a Low-water Pier and other Works at *Granton*; and for other Purposes. 1137

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# PRIVATE ACTS,

PRINTED BY THE QUEEN'S PRINTER,

AND WHEREOF THE PRINTED COPIES MAY BE GIVEN IN EVIDENCE.

1. AN Act to enable the Trustees of a Society called or known by the Name of "The Society for the Prosecution of Felons and Receivers of Stolen Goods" to distribute the Monies and Funds of the said Society amongst certain charitable Institutions. 3

2. An Act for authorizing the Sale and Exchange of certain Freehold and Copyhold Lands and Hereditaments forming Part of the Estate of the late *Charles Hayes* Esquire, and for authorizing certain Leases to be granted thereof; and for authorizing the Sale and Exchange of certain Freehold and Copyhold Lands and Hereditaments forming Part of the Estate of the late *John Rutherforth Abdy* Esquire, and for enabling the Trustees of this Act to shift the Charges affecting the Inheritance of the last-mentioned Lands and Hereditaments; and for other Purposes. 9

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*Part of the Freehold Estates devised by the Will of* William Lee Antonie *Esquire, deceased, in strict Settlement, in his Nephew* John Lee *Esquire, Doctor of Laws, (subject to a Term of Five hundred Years, as an Indemnification against a Sum of Ten thousand Pounds and Interest,) and for substituting Part of the Fee Simple Estates of the said* John Lee *in lieu thereof, and also for appointing new Trustees of the said settled Estates;* and to amend the said Act. 133

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32. An Act to dissolve the Marriage of *Edward Cripps* Esquire with *Augusta Sarah* his now Wife, and to enable him to marry again; and for other Purposes.

33. An

33. An Act to dissolve the Marriage of the Reverend *Bryan Faussett* with *Helena Caroline* his Wife, and to enable him to marry again; and for other Purposes.

34. An Act to dissolve the Marriage of *Edward Eustace Hill* Esquire with the Honourable *Georgiana Charlotte*, commonly called Lady *Georgiana Charlotte*, his now Wife, and to enable him to marry again; and for other Purposes.

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TO THE

# PUBLIC GENERAL ACTS,

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| S. - - - - | Scotland. |
| I. - - - - | Ireland. |
| E. & I. - - - | England and Ireland. |
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| ESTATES (INCUMBERED), further to facilitate the Sale and Transfer of - - - - - - - - | 77. | I. |
| EXCHEQUER BILLS, raising 17,786,700*l.*, for the Service of 1849 - - - - - - - | 20. | U.K. |
| EXCISE BENEVOLENT FUND SOCIETY, to extend to the Officers of Inland Revenue the Privilege of becoming Members of - | 58. | G.B.&I. |
| EXCISE and STAMPS AND TAXES, consolidating the Boards of, into One Board of Commissioners of Inland Revenue - | 1. | G.B.&I. |
| EXCISE DUTY ALLOWANCES on Soap used in Manufactures continued to 31st July 1850 - - - - - | 40. | G.B. |

F.

| | | |
|---|---|---|
| FOREIGN COUNTRIES, facilitating the Marriage of British Subjects resident in - - - - - - - | 68. | U.K. |

G.

| | | |
|---|---|---|
| GAOLS; to make perpetual 10 & 11 Vict. c. 45. for authorizing the Removal of Prisoners from the several Gaols in Cases of Epidemic Diseases - - - - - - | 19. | I. |
| GENERAL AND QUARTER SESSIONS COURTS PROCEDURE, to amend, and for the better Advancement of Justice in Cases within the Jurisdiction of those Courts - - - - - | 45. | E, |
| GENERAL BOARD OF HEALTH, for confirming certain Provisional Orders of, and for other Matters relative to the Public Health and the Improvement of Towns and populous Places | 94. | E. |
| GOLD AND SILVER PLATE, to repeal the Allowances for receiving and accounting for the Duties on, and to grant other Allowances in lieu thereof - - - - - - | 80. | G.B.&I. |
| GRAND JURY CESS, to continue to the End of 1851 certain temporary Provisions relating to the Collection of - | 32. | I. |
| ——— to re-assess on the County of the City of Dublin certain Arrears of - - - - - - | 55. | I. |
| GRANTS OF LAND (NEW SOUTH WALES), to remove Doubts concerning the Validity of certain - - - - - | 22. | U.K. |
| GREENWICH MARKETS, Commissioners of Greenwich Hospital enabled to regulate and manage - - - - - | 28. | E. |

H.

| | | |
|---|---|---|
| HABEAS CORPUS SUSPENSION; to continue 11 & 12 Vict. c. 35. until 1st September 1849 - - - - - | 2. | I. |
| HEALTH (GENERAL BOARD OF), for confirming certain Provisional Orders of, and for other Matters relative to the Public Health, and the Improvement of Towns and populous Places - - - - - - - | 94. | E. |

| | Cap. | Relating to |
|---|---|---|
| HIGHWAY RATES, to continue until 1st October 1850, 4 & 5 Vict. c. 59. for authorizing the Application of, to Turnpike Roads - - - - - - | 54. | E. |
| HIGHWAYS, for requiring annual Returns of the Expenditure on, to be transmitted to the Secretary of State, and afterwards laid before Parliament - - - | 35. | E. |
| ——— Surveyors of, enabled to recover the Costs of distraining for Rates - - - - - | 14. | E. |
| HOUSE OF COMMONS OFFICES, to amend the Acts relating to - | 72. | U.K. |
| HOUSE OF LORDS COSTS TAXATION; for the more effectual Taxation of Costs on Private Bills in the House of Lords, and to facilitate the Taxation of other Costs on Private Bills in certain Cases - - - - - | 78. | U.K. |


## I.


| | | |
|---|---|---|
| IMPROVEMENT OF LANDED PROPERTY, to authorize a further Advance of Money for - - - - - | 23. | I. |
| ——— to amend 10 & 11 Vict. c. 32. for facilitating - - | 59. | I. |
| IMPROVEMENT OF TOWNS. *See* GENERAL BOARD OF HEALTH. | | |
| INCLOSURE ACT (EXTENSION OF POWERS); further to facilitate the Inclosure of Commons and the Improvement of Commons and other Lands - - - - - | 83. | E. |
| INCLOSURE OF COMMONS, to authorize the Inclosure of certain Lands in pursuance of the Fourth Report of the Inclosure Commissioners - - - - | 7. | E. |
| ——— to authorize, in pursuance of the Special Report of the Inclosure Commissioners - - - - | 57. | E. |
| INCUMBERED ESTATES, further to facilitate the Sale and Transfer of - - - - - - - | 77. | I. |
| INDEMNITY ACT, Annual - - - - - - | 9. | U.K. |
| INDICTABLE OFFENCES, to facilitate the Performance of the Duty of Justices of Peace out of Quarter Sessions with respect to Persons charged with - - - - | 69. | I. |
| INLAND POSTS, enabling Colonial Legislatures to establish - | 66. | U.K. |
| INLAND REVENUE, consolidating the Boards of Excise and Stamps and Taxes into One Board of Commissioners of, and to make Provision for the Collection of such Revenue - - - - - | 1. | G.B.&I. |
| ——— to extend to the Officers of, the Privilege of becoming Members of the Excise Benevolent Fund Society - | 58. | G.B.&I. |
| INSANE PERSONS, for the better Protection of the Property of - | 51. | S. |


## J.


| | | |
|---|---|---|
| JOINT STOCK COMPANIES ACT (1848) AMENDMENT; to amend 11 & 12 Vict. c. 45. - - - - - - | 108. | G.B.&I. |
| JUDGMENTS, to amend the Law concerning - - - | 95. | I. |
| JURY CESS (GRAND), to continue to the End of 1851 certain temporary Provisions relating to the Collection of - - | 32. | I. |
| JUSTICE, to provide for the Administration of, in Vancouver's Island - - - - - - - | 48. | U.K. |
| JUSTICE OF PEACE SMALL DEBT COURTS, to amend 6 G. 4. c. 48. - | 34. | S. |

| | Cap. | Relating to |
|---|---|---|
| JUSTICES OF THE PEACE, to protect, from vexatious Actions for Acts done by them in the Execution of their Office - - - - - - | 16. | I. |
| ——— to continue for Five Years so much of 2 & 3 Vict. c. 79. as enables Justices to grant Warrants for entering Places in which Spirits are sold without a Licence - | 17. | I |
| ——— to facilitate the Performance of the Duties of, out of Quarter Sessions, with respect to Persons charged with Indictable Offences - - - - - | 69. | I. |
| ——— to facilitate the Performance of the Duties of, out of Quarter Sessions, with respect to Summary Convictions and Orders - - - - - - | 70. | I. |
| ——— to remove Doubts as to the Authority of, to act in certain Matters relating to the Poor in Cities and Boroughs - - - - - - | 64. | E. |

L.

| | | |
|---|---|---|
| LABOURING POOR ACT AMENDMENT; further amending 10 & 11 Vict. c. 10. for rendering valid certain Proceedings for the Relief of Distress, &c. - - - - - - | 60. | I. |
| LAND, to remove Doubts concerning the Validity of certain Grants of, in the Colony of New South Wales - | 22. | U.K. |
| ——— to promote the Advance of private Money for Drainage of - - - - - - - | 100. | G.B.&I. |
| ——— for converting the renewable Leasehold Tenure of, into a Tenure in Fee - - - - - - | 105. | I. |
| LAND IMPROVEMENT AMENDMENT, to amend 10 & 11 Vict. c. 32. for facilitating the Improvement of Landed Property - | 59. | I. |
| LAND IMPROVEMENT AND DRAINAGE; to authorize further Advances of Money for the Improvement of Landed Property, and the Extension and Promotion of Drainage and other Works of public Utility - - - - | 23. | I. |
| LANDED PROPERTY, to authorize a further Advance of Money for the Improvement of - - - - | 23. | I. |
| ——— *See* LAND IMPROVEMENT AMENDMENT. LAND IMPROVEMENT AND DRAINAGE. | | |
| LARCENY, to amend the Laws relative to, and other Offences connected therewith - - - - - - | 11. | E. & I. |
| LEASES, for granting Relief against Defects in, made under Powers of leasing in certain Cases - - - | 26. | E. & I. |
| ——— suspending until 1st June 1850 the Operation of the preceding Act - - - - - - | 110. | E. & I. |
| LEASEHOLD TENURE OF LANDS, renewable, for converting, into a Tenure in Fee - - - - - - | 105. | I. |
| LOAN SOCIETIES, to continue, until 1st October 1850, 3 & 4 Vict. c. 110. to amend the Laws relating to - - - | 37. | E. |
| LOANS, to provide additional Funds for, by the Public Works Loan Commissioners, for building Workhouses - - | 86. | I. |
| LORD LIEUTENANT, or other Chief Governor or Governors of Ireland, to continue, until 1st September 1849, 11 & 12 Vict. c. 35., empowering them to apprehend and detain such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government - - - | 2. | I. |
| LORDS (HOUSE OF). *See* HOUSE OF LORDS. | | |
| LUNATIC ASYLUMS (PRIVATE), to continue, until 31st July 1850, 5 & 6 Vict. c. 123. for amending the Law relative to - | 56. | I. |

| | Cap | Relating to |
|---|---|---|
| **M.** | | |
| MARINE MUTINY; annual Act for the Regulation of the Royal Marine Forces while on Shore - - - | 12. | U.K. |
| MARRIAGES IN FOREIGN COUNTRIES FACILITATING; for facilitating the Marriage of British Subjects resident in Foreign Countries - - - - - - - | 68. | U.K. |
| MARRIAGES, to amend 7 & 8 Vict. c. 81. relative to - - | 99. | I. |
| MARSHALSEA COURT abolished - - - - - | 101. | E. |
| MERCHANT VESSELS, for regulating the Carriage of Passengers in - - - - - - - - - | 33. | U.K. |
| METROPOLITAN SEWERS; to amend 11 & 12 Vict. c. 112. - | 93. | E. |
| MIDLAND GREAT WESTERN RAILWAY, to authorize an Advance of Money to, out of the Consolidated Fund - - - | 62. | I. |
| MILITIA BALLOTS SUSPENSION; to suspend, until 1st October 1850, the making of Lists and the Ballots and Enrolments for the Militia - - - - - - - | 52. | G.B.&I. |
| MILITIA PAY; annual Act for the Pay, Clothing, &c. of the disembodied Militia, to grant Allowances in certain Cases to Subaltern Officers, &c., and to authorize the Employment of the Non-commissioned Officers - - - | 75. | G.B.&I. |
| MUNICIPAL CORPORATIONS, to amend 3 & 4 Vict. c. 108., for the Regulation of, so far as relates to the Borough of Dublin - | 85. | I. |
| MUTINY; annual Act for the Army - - - - - | 10. | U.K. |
| ——— annual Act for the Regulation of the Royal Marine Forces while on Shore - - - - - - | 12. | U.K. |
| MUTINY AND DESERTION (INDIA); for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the East India Company, and for regulating in such Service the Payment of Regimental Debts, and the Distribution of the Effects of Officers and Soldiers dying in the Service - | 43. | U.K. |
| **N.** | | |
| NAVIGATION, to amend the Laws in force for the Encouragement of British Shipping and - - - - - - | 29. | U.K. |
| NEW FOREST AND WALTHAM FOREST, to authorize Her Majesty to issue a Commission to inquire into and report upon Rights or Claims over - - - - - - | 81. | E. |
| NEWFOUNDLAND, to confirm certain Acts of the Legislature of, respecting the rebuilding of the Town of Saint John's, and to enable the said Legislature to make other Provisions respecting the rebuilding of the said Town - - - | 21. | U.K. |
| NEWGATE GAOL (DUBLIN), to abolish, and provide Compensation for the Officers thereof - - - - - - | 55. | I. |
| NEW SOUTH WALES (Colony of), to remove Doubts concerning the Validity of certain Grants of Land in - - | 22. | U.K. |
| NEW ZEALAND LAND CONVEYANCES; to facilitate the Execution of Conveyances and other Instruments by or on behalf of the New Zealand Company in New Zealand - - | 79. | U.K. |
| NUISANCES REMOVAL AND DISEASES PREVENTION ACT, 1848 (11 & 12 Vict. c. 123.), to amend - - - | 111. | G.B.&I. |

| | Cap. | Relating to |
|---|---|---|
| **O.** | | |
| OFFENCES committed within the Jurisdiction of the Admiralty, to provide for the Prosecution and Trial of, in the Colonies | 96. | U.K. |
| OFFENDERS under Judgment of Death, to remove Doubts concerning the Transportation of, to whom Mercy may be extended - - - - - - | 27. | I. |
| OFFICERS AND SOLDIERS in the Service of the East India Company, for punishing Mutiny and Desertion of, and for regulating in such Service the Payment of Regimental Debts, and the Distribution of the Effects of, dying in the Service - - - - - - | 43. | U.K. |
| OFFICES AND EMPLOYMENTS, annual Indemnity Act for Persons neglecting to qualify for - - - - | 9. | U.K. |
| OFFICES of the House of Commons, to amend the Acts relating to - - - - - - | 72. | U.K. |
| OUT-DOOR PAUPERS, to provide a more effectual Regulation and Control over the Maintenance of - - - | 13. | E. |
| OVERSEERS (CITIES AND BOROUGHS), to remove Doubts as to the Appointment of - - - - - | 8. | E. |
| OVERSEERS OF THE POOR enabled to recover the Costs of distraining for Rates - - - - - | 14. | E. |
| **P.** | | |
| PALACE COURT abolished - - - - | 101. | E. |
| PASSENGERS, for regulating the Carriage of, in Merchant Vessels - - - - - - | 33. | U.K. |
| PASTORAL DISTRICTS, to encourage Endowment of Chapels of Ease, and facilitate Assignment of, thereto - - | 99. | I. |
| PERSIAN GULF. *See* SLAVE TRADE (PERSIAN GULF). | | |
| PETTY BAG, &c. OFFICES AMENDMENT, to amend 11 & 12 Vict. c. 94. to regulate certain Offices in the Petty Bag in the High Court of Chancery - - - - - | 109. | E. |
| PETTY SESSIONS; for the holding of Petty Sessions of the Peace in Boroughs, and for providing Places for the holding of such Petty Sessions in Counties and Boroughs - - | 18. | E. |
| PEVERIL COURT abolished - - - - - | 101. | E. |
| PILOTAGE, to amend the Laws relating to - - - | 88. | U.K. |
| POLICE RATES (DISTRICT). *See* COUNTY RATES. | | |
| POOR; to provide a more effectual Regulation and Control over the Maintenance of poor Persons in Houses not being the Workhouses of any Union or Parish - - | 13. | E. |
| ——— Overseers of, enabled to recover the Costs of distraining for Rates - - - - - | 14. | E. |
| ——— to amend 10 & 11 Vict. c. 10. for rendering valid certain Proceedings for the Relief of Distress, by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings - - | 60. | I. |
| ——— to continue until 1st October 1850 the Exemption of Inhabitants from Liability to be rated as such in respect of Stock in Trade or other Property to the Relief of - - - - - | 61. | E. |
| ——— to make certain Amendments in the Laws for the Relief of - - - - - - - | 103. | E. |

| | Cap. | Relating to |
|---|---|---|
| POOR LAW UNION CHARGES ACT AMENDMENT; to continue 11 & 12 Vict. c. 110. for charging the Maintenance of certain poor Persons in Unions upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor - - - - - - | 103. | E. |
| POOR LAW UNIONS, authorizing an Advance of 50,000*l.* for the Relief of certain distressed - - - | 5. | I. |
| ——— authorizing a further Advance of Money for the Relief of certain distressed - - - - | 63. | I. |
| ——— amending 1 & 2 Vict. c. 56. and 10 & 11 Vict. c. 31. relating to the Appointment of Vice Guardians of - | 4. | I. |
| ——— to make Provision until 31st December 1850 for a General Rate in Aid of certain distressed Unions and Electoral Divisions - - - - | 24. | I. |
| POOR RELIEF; to amend the Acts for the more effectual Relief of the destitute Poor - - - - | 104. | I. |
| ——— (CITIES AND BOROUGHS), to remove Doubts as to the Authority of Justices of the Peace to act in certain Matters relating to - - - - | 64. | E. |
| PORTUGAL (QUEEN OF), for giving Effect to the Stipulations of a Treaty between Her Majesty and, for the Apprehension of certain Deserters - - - - - | 25. | U.K. |
| POSTS (INLAND), enabling Colonial Legislatures to establish - | 66. | U.K. |
| PRISONERS REMOVAL; to make perpetual 10 & 11 Vict. c. 45. for authorizing the Removal of Prisoners from the several Gaols in Cases of Epidemic Diseases - - - - | 19. | I. |
| PRIVATE BILLS in the House of Lords, for the more effectual Taxation of Costs on, and to facilitate the Taxation of other Costs on Private Bills in certain Cases - - - | 78. | U.K. |
| PROTECTION OF JUSTICES from vexatious Actions for Acts done by them in the Execution of their Office - - | 16. | I. |
| PROTECTION OF WOMEN from fraudulent Practices for procuring their Defilement - - - - - - | 76. | U.K. |
| PROVISIONAL ORDERS of the General Board of Health, confirming certain - - - - - - - - | 94. | E. |
| PUBLIC HEALTH. *See* GENERAL BOARD OF HEALTH. | | |
| PUBLIC WORKS LOAN COMMISSIONERS, to provide additional Funds for Loans by, for building Workhouses - - - | 86. | I. |
| PUPILS PROTECTION; for the better Protection of the Property of Pupils, absent Persons, and Persons under mental Incapacity - - - - - - | 51. | S. |


## Q.


| | | |
|---|---|---|
| QUARTER SESSIONS, to facilitate the Performance of the Duties of Justices of the Peace out of, with respect to Persons charged with Indictable Offences - - - | 69. | I. |
| ——— to facilitate the Performance of the Duties of Justices of the Peace out of, with respect to Summary Convictions and Orders - - - - - | 70. | I. |
| ——— *See* GENERAL AND QUARTER SESSIONS. | | |

| | Cap. | Relating to |
|---|---|---|
| QUEEN; for giving Effect to the Stipulations of a Treaty between Her Majesty and the Queen of Portugal, for the Apprehension of certain Deserters - - - | 25. | U.K. |
| ——— for carrying into effect Engagements between Her Majesty and certain Arabian Chiefs in the Persian Gulf, for the more effectual Suppression of the Slave Trade - - - - - - | 84. | U.K. |

R.

| | | |
|---|---|---|
| RATE IN AID; to make Provision until 31st December 1850 for a General Rate in Aid of certain distressed Unions and Electoral Divisions - - - - | 24. | I. |
| RATES, to enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for - - - - - - | 14. | E. |
| ——— to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes, situated partly within and partly without the Limits of Boroughs which are not liable to such Rates - - - - | 65. | E. |
| ——— to provide for the Collection of, in the City of Dublin - - - - - - | 91. | I. |
| RECOVERY OF WAGES; to amend 54 G. 3. c. 116. for Recovery of small Sums due for Wages - - - - | 15. | I. |
| REGIMENTAL BENEFIT SOCIETIES, to dissolve, and to provide for the Application of the Funds of such Societies, and of Regimental Charitable Funds - - - - | 71. | U.K. |
| REGIMENTAL DEBTS, for regulating the Payment of, in the East India Service - - - - - - | 43. | U.K. |
| RELIEF OF DISTRESS; authorizing an Advance of 50,000*l.* for certain distressed Poor Law Unions - - | 5. | I. |
| ——— to make Provision until 31st December 1850 for a General Rate in Aid of certain distressed Unions and Electoral Divisions - - - - | 24. | I. |
| ——— further to amend 10 & 11 Vict. c. 10. for rendering valid certain Proceedings for - - - - | 60. | I. |
| ——— to authorize a further Advance of Money for the Relief of certain distressed Poor Law Unions - - | 63. | I. |

REMOVAL OF PRISONERS. *See* PRISONERS REMOVAL.

REVENUE. *See* INLAND REVENUE.

ROADS. *See* TURNPIKE ROADS.

| | | |
|---|---|---|
| ROYAL PAVILION (BRIGHTON), to authorize the Sale of, and the Grounds thereof; and to apply the Money arising from such Sale - - - - - - | 102. | E. |

S.

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|---|---|---|
| SAINT JOHN'S NEWFOUNDLAND REBUILDING; to confirm certain Acts of the Legislature of Newfoundland respecting the rebuilding the Town of Saint John's, and to enable the said Legislature to make other Provisions respecting the rebuilding of the said Town - - - - | 21. | U.K. |

| | Cap. | Relating to |
|---|---|---|
| SALE AND TRANSFER OF INCUMBERED ESTATES, further to facilitate - - - - - - - | 77. | I. |
| SCHOOLS, to extend and explain the Provisions of the Acts for granting Sites for - - - - - - | 49. | G.B. |
| SEQUESTRATORS REMEDIES; to extend the Remedies of Sequestrators of Ecclesiastical Benefices - - - | 67. | E. & I. |
| SESSIONS. *See* PETTY SESSIONS. GENERAL AND QUARTER SESSIONS. | | |
| SEWERS ACTS AMENDMENT; for further amending the Laws relating to Sewers - - - - - - - | 50. | E. |
| SEWERS (METROPOLITAN); to amend 11 & 12 Vict. c. 112. - | 93. | E. |
| SHEEP STEALERS; for the better Preservation of Sheep, and more speedy Detection of Receivers of stolen Sheep - - | 30. | I. |
| SHERIFF OF WESTMORELAND, to provide for the Execution of the Office of, for One Year - - - - - | 42. | E. |
| SHIPPING (BRITISH), to amend the Laws in force for the Encouragement of - - - - - - - | 29. | U.K. |
| SIGNATURES, to reduce the Number of, required to Instruments issued by the Lords of the Treasury - - - | 89. | U.K. |
| SILVER COINAGE, to extend 56 G. 3. c. 68. for providing for a new - - - - - - - | 41. | U.K. |
| SILVER PLATE, to repeal the Allowances for receiving and accounting for the Duties on, and to grant other Allowances in lieu thereof - - - - - - - | 80. | G.B.&I. |
| SITES FOR SCHOOLS, to extend and explain the Provisions of the Acts for granting - - - - - - | 49. | G.B. |
| SLAVE TRADE (PERSIAN GULF), for carrying into effect Engagements between Her Majesty and certain Arabian Chiefs in the Persian Gulf, for the more effectual Suppression of - - - - - - - | 84. | U.K. |
| SMALL DEBT COURTS, to amend 6 G. 4. c. 48. for regulating - | 34. | S. |
| SMALL DEBTS ACT AMENDMENT; to amend 9 & 10 Vict. c. 95. for the more easy Recovery of Small Debts and Demands; and to abolish certain Inferior Courts of Record - - | 101. | E. |
| SOAP DUTY ALLOWANCES; to continue until 31st July 1850 certain Allowances of the Duty of Excise on Soap used in Manufactures - - - - - - - | 40. | G.B. |
| SOLDIERS. *See* OFFICERS AND SOLDIERS. | | |
| SOLICITORS, for consolidating and amending several of the Laws relating to - - - - - - - | 53. | I. |
| SPIRITS, to continue for Five Years so much of 2 & 3 Vict. c. 79. as enables Justices to grant Warrants for entering Places in which Spirits are sold without Licence - - - | 17. | I. |
| STAMPS, &c. ALLOWANCES; to repeal the Allowances on the Purchase of Stamps, and for the receiving and accounting for the Duties on Gold and Silver Plate, and to grant other Allowances in lieu thereof - - - - | 80. | G.B.&I. |
| STAMPS AND TAXES and EXCISE, consolidating the Boards of, into One Board of Commissioners of Inland Revenue - - | 1. | G.B.&I. |
| STOCK IN TRADE, to continue until 1st October 1850 the Exemption of Inhabitants from Liability to be rated as such in respect of, to the Relief of the Poor - - - | 61. | E. |
| SUMMARY CONVICTIONS, to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions with respect to - - - - - - - | 70. | I. |

| | Cap. | Relating to |
|---|---|---|
| SUPPLIES, Appropriation of - - - - | 98. | U.K. |
| SURVEYORS OF HIGHWAYS enabled to recover the Costs of distraining for Rates - - - - - | 14. | E. |
| SYDNEY, confirming certain Grants of Land in the Town of - | 22. | U.K. |

T.

| | | |
|---|---|---|
| TAXES. *See* STAMPS AND TAXES. | | |
| TENURE IN FEE, for converting the renewable Leasehold Tenure of Lands into - - - - - - | 105. | I. |
| TOWNS, for the Improvement of, by the General Board of Health | 94. | E. |
| TRANSPORTATION FOR TREASON; to remove Doubts concerning the Transportation of Offenders under Sentence of Death to whom Mercy may be extended - - - | 27. | I. |
| TREASON. *See* TRANSPORTATION FOR TREASON. | | |
| TREASURY INSTRUMENTS; to reduce the Number of Signatures required to Instruments issued by the Lords of the Treasury | 89. | U.K. |
| TRUSTEES RELIEF; for the further Relief of Trustees - - | 74. | E. |
| TURNPIKE ACTS CONTINUANCE; to continue certain Turnpike Acts in Great Britain, and to make certain Provisions respecting Turnpike Roads in England - - - - | 87. | G.B. |
| TURNPIKE ROADS, to continue certain Acts for regulating - | 47. | I. |
| ——— to continue, until 1st October 1850, 4 & 5 Vict. c. 59. for authorizing the Application of Highway Rates to - | 54. | E. |
| TURNPIKE ROADS AND BRIDGES (Trustees of), for requiring the Transmission of the annual Abstracts and Statements of, to the Secretary of State, to be laid before Parliament - | 31. | S. |
| TURNPIKE TRUSTS UNION, to facilitate - - - | 46. | E. |

U.

| | | |
|---|---|---|
| UNIONS, to continue 11 & 12 Vict. c. 110. for charging the Maintenance of certain poor Persons in, upon the Common Fund - - - - - | 103. | E. |
| ——— *See* POOR LAW UNIONS. | | |

V.

| | | |
|---|---|---|
| VANCOUVER'S ISLAND, to provide for the Administration of Justice in - - - - - - | 48. | U.K. |
| VEXATIOUS ACTIONS, to protect Justices of the Peace from, for Acts done by them in the Execution of their Office - | 16. | I. |
| VICE GUARDIANS OF UNIONS, amending 1 & 2 Vict. c. 56. and 10 & 11 Vict. c. 31. relating to the Appointment of - | 4. | I. |

W.

| | | |
|---|---|---|
| WAGES, to amend 54 G. 3. c. 116. for the Recovery of small Sums due for - - - - - - | 15. | I. |
| WALTHAM FOREST (Essex), to authorize Her Majesty to inquire into and report upon Rights or Claims over - - | 81. | E. |

| | Cap. | Relating to |
|---|---|---|
| WESTMORELAND (County of), to provide for the Execution of the Office of Sheriff of, for One Year - - - | 42. | E. |
| WOMEN, to protect, from fraudulent Practices for procuring their Defilement - - - - - - | 76. | U.K. |
| WORKHOUSE LOANS, to provide additional Funds for Loans by the Public Works Loan Commissioners, for building Workhouses - - - - - - | 86. | I. |


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Printers to the Queen's most Excellent Majesty. 1849.

ANNO REGNI

# VICTORIÆ,

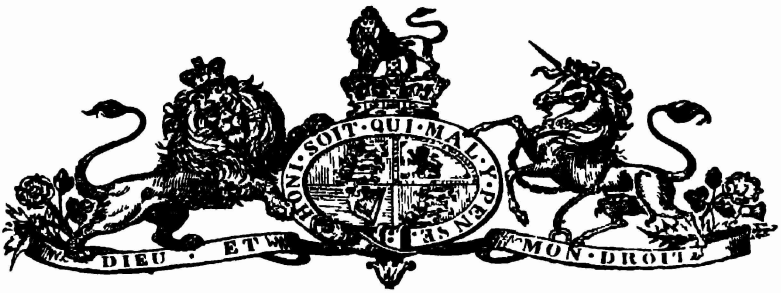
## *Britanniarum Reginæ,*

## DUODECIMO.

At the Parliament begun and holden at *Westminster*, the Eighteenth Day of *November*, *Anno Domini* 1847, in the Eleventh Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God Queen of the United Kingdom of *Great Britain* and *Ireland*, Defender of the Faith:

And from thence continued, by several Prorogations, to the First Day of *February* 1849; being the SECOND SESSION of the FIFTEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland*.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty.
1849.




ANNO DUODECIMO

# VICTORIÆ REGINÆ.

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with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the several Persons so as aforesaid appointed and now being Commissioners of Excise and Commissioners of Stamps and Taxes respectively shall, without any further Commission or Authority than this Act, become and be One consolidated Board of Commissioners, and be called "The Commissioners of Inland Revenue;" and from henceforth all the several Revenues, Duties, Matters, and Things which at the Time of the passing of this Act are collected by or are under the Care and Management of the said Commissioners of Excise and of the said Commissioners of Stamps and Taxes respectively shall respectively be collected by and shall be under the Care and Management of the Commissioners of Inland Revenue constituted by this Act, or to be appointed as herein-after directed, in the same Manner as such Revenues, Duties, Matters, and Things respectively have heretofore been collected by or have been under the Care and Management of the said Commissioners of Excise and of the said Commissioners of Stamps and Taxes respectively; and all such Revenues and Duties shall be denominated and be deemed to be Inland Revenue.

The Boards of Commissioners of Excise and Commissioners of Stamps and Taxes to be One Consolidated Board of Commissioners of Inland Revenue.

II. And be it enacted, That it shall be lawful for Her Majesty, Her Heirs and Successors, whenever She or they shall signify Her or their Will and Pleasure that the several Persons by this Act constituted Commissioners of Inland Revenue shall cease to be such Commissioners, and from Time to Time afterwards, to appoint, under the Great Seal of the said United Kingdom, such Persons as She or they shall think fit to be Commissioners of Inland Revenue; and that as well the said Commissioners to be appointed by Her Majesty, Her Heirs or Successors, as aforesaid, as the said Commissioners by this Act constituted Commissioners of Inland Revenue, shall respectively be and remain Commissioners of Inland Revenue during Her Majesty's Pleasure, and no longer.

Her Majesty to appoint Commissioners of Inland Revenue, who are to hold their Offices during Her Majesty's Pleasure.

III. And be it enacted, That the said Commissioners of Inland Revenue shall have, use, and exercise all such Powers and Authorities, judicial and otherwise, as are now given to or vested in or as might be used and exercised by the whole or any Number of the said Commissioners of Excise or of the said Commissioners of Stamps and Taxes respectively under or by virtue of any Act or Acts in force at or immediately before the passing of this Act; and all such Powers and Authorities shall be and are hereby given to and vested in the Commissioners of Inland Revenue, as fully and effectually, to all Intents and Purposes, as if such Powers and Authorities, and all

Powers and Authorities vested in the Commissioners of Excise and Commissioners of Stamps and Taxes respectively to be exercised by the Commissioners of Inland Revenue.



Clauses,

Clauses, Regulations, Provisions, Penalties, and Forfeitures in any Act or Acts relating thereto respectively, were severally repeated and re-enacted in this Act and made Part thereof; and all Rules, Orders, Regulations, Acts, Matters, and Things which shall be made or done by the said Commissioners of Inland Revenue, and which by any Act or Acts in force as aforesaid are or were required or authorized to be made or done, or which might be made or done by the Commissioners of Excise, or the Commissioners of Stamps and Taxes, or any Number of such Commissioners respectively, shall be and be deemed to be as good, valid, and effectual in Law, to all Intents and Purposes, as if made or done by the said Commissioners of Excise or the said Commissioners of Stamps and Taxes, or any Number of such Commissioners respectively, under or in pursuance of any such Act or Acts as aforesaid; and all Persons shall be subject and liable to the same Pains, Penalties, and Forfeitures, for doing or omitting to do any Act, Matter, or Thing contrary to any Rules, Orders, or Regulations of the said Commissioners of Inland Revenue, as such Persons respectively would have been subject and liable to for doing or omitting to do the same Act, Matter, or Thing contrary to any Rules, Orders, or Regulations of the Commissioners of Excise or the Commissioners of Stamps and Taxes respectively under or by virtue of any Act or Acts in force as aforesaid; and all Rules, Orders, and Regulations heretofore made by the said Commissioners of Excise or the said Commissioners of Stamps and Taxes respectively, in force at the Time of the passing of this Act, and which are not altered or varied by this Act, or contrary to any of the Provisions thereof, shall respectively remain and continue in full Force and Effect until the same shall be abrogated, annulled, altered, or varied by the said Commissioners of Inland Revenue.

Powers given by this Act may be exercised by any Three or other prescribed Number of the Commissioners of Inland Revenue.

IV. And be it enacted, That all the Powers and Authorities which by this Act are given to or vested in the Commissioners of Inland Revenue, or which shall or may at any Time hereafter be given to or vested in the said last-mentioned Commissioners, shall be and the same are hereby given to and vested in, and shall and may lawfully be used, exercised, and put in force by, any Three or more of the said Commissioners of Inland Revenue: Provided always, that where by any Act or Acts of Parliament or otherwise any Act, Matter, or Thing is expressly directed or authorized to be done by any particular or prescribed Number less than Three of the Commissioners of Excise or of the Commissioners of Stamps and Taxes, or where any Act, Matter, or Thing shall at any Time hereafter be so directed or authorized to be done by any such Number less than Three of the Commissioners of Inland Revenue, every such Act, Matter, or Thing being done by such particular or prescribed Number of the

Commissioners of Inland Revenue shall be good, valid, and effectual to all Intents and Purposes whatsoever.

Chief Office of Inland Revenue, where to be held.

V. And be it enacted, That the Commissioners of Inland Revenue shall sit and keep their Chief Office at such Place as the Commissioners of Her Majesty's Treasury shall in that Behalf from Time to Time appoint, within the Limits described, designated, or referred to as the Limits of the Chief Office of Excise by an Act passed in the Eighth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Collection and Management of the Revenue of Excise throughout* Great Britain *and* Ireland; and such Office of the said Commissioners of Inland Revenue shall be deemed and called "The Chief Office of Inland Revenue;" and the said Limits shall be deemed to be the Limits of the said Chief Office of Inland Revenue for all the Ends, Intents, and Purposes for which they are described, designated, or referred to as the Limits of the Chief Office of Excise in or by the said recited Act, or any other Act or Acts now in force.

7 & 8 G. 4. c. 53.

Offices of Receiver General of Excise and Receiver General of Stamps and Taxes consolidated into One Office of Receiver General of Inland Revenue.

VI. And whereas the Two several Offices of Receiver General of Excise and Receiver General of Stamps and Taxes are now vested in One and the same Person, and it is expedient to consolidate such Offices into One Office: Be it therefore enacted, That from and after the passing of this Act the said Two several Offices of Receiver General of Excise and Receiver General of Stamps and Taxes shall be and they are hereby consolidated into One Office of Receiver General of the said respective Revenues and Duties, and such consolidated Office shall be and the same is hereby vested in the Person in whom the said Two several Offices at the Time of the passing of this Act are vested as aforesaid; and such Person, as well as every other Person who shall at any Time hereafter be appointed to the said consolidated Office of Receiver General, shall be termed "The Receiver General of Inland Revenue," and shall hold his said Office during the Pleasure of the Commissioners of Her Majesty's Treasury for the Time being, and no longer.

Offices of Accountant General of Excise and Accountant and Comptroller General of Stamps and Taxes consolidated into One Office.

VII. And whereas the Two several Offices of Accountant General of Excise and Accountant and Comptroller General of Stamps and Taxes are now vested in One and the same Person, and it is expedient to consolidate the said last-mentioned Offices into One Office: Be it therefore enacted, That from and after the passing of this Act the said Two several Offices of Accountant General of Excise and Accountant and Comptroller General of Stamps and Taxes shall be and they are hereby consolidated into One Office of Accountant and Comptroller General of the said respective Revenues and Duties, and such

such consolidated Office shall be and the same is hereby vested in the Person in whom the said last-mentioned Two several Offices at the Time of the passing of this Act are vested as aforesaid; and such Person, as well as every other Person who shall at any Time hereafter be appointed to the said consolidated Office of Accountant and Comptroller General, shall be termed "The Accountant and Comptroller General of Inland Revenue," and shall hold his said Office during the Pleasure of the Commissioners of Her Majesty's Treasury for the Time being, and no longer.

Powers and Authorities to be exercised by the Receiver General and Accountant and Comptroller General of Inland Revenue respectively.

VIII. And be it enacted, That the said Receiver General of Inland Revenue shall have, use, and exercise all such Powers and Authorities as are now given to or vested in the Receiver General of Excise and the Receiver General of Stamps and Taxes respectively, under or by virtue of any Act or Acts in force at the Time of the passing of this Act, or otherwise howsoever; and the said Accountant and Comptroller General of Inland Revenue shall have, use, and exercise all such Powers and Authorities as are now given to or vested in the Accountant General of Excise and the Accountant and Comptroller General of Stamps and Taxes respectively under or by virtue of any such Act or Acts as aforesaid, or otherwise howsoever; and all such respective Powers and Authorities shall be and are hereby given to and vested in the said Receiver General of Inland Revenue and the said Accountant and Comptroller General of Inland Revenue respectively, as fully and effectually, to all Intents and Purposes, as if such Powers and Authorities, and all Clauses, Regulations, Provisions, Penalties, and Forfeitures relating thereto respectively, were severally repeated and re-enacted in this Act, and made Part thereof.

Office of Comptroller and Auditor of Excise may be abolished, and the Accounts of the Excise Revenue be passed before the Commissioners for auditing the Public Accounts.

IX. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, whenever they shall think fit, to abolish the Office of Comptroller and Auditor of Excise created under or by virtue of an Act passed in the Fourth Year of Her present Majesty's Reign, intituled *An Act to alter and amend certain Laws relating to the Collection and Management of the Duties of Excise*; and when and so soon as the said Office shall be so abolished so much of the said recited Act as directs that the Accountant General of Excise shall annually prepare and pass before the said Comptroller and Auditor of Excise Accounts of the Produce of the Revenue of Excise shall be and the same is hereby repealed; and the Accounts of the Revenues and Duties of Excise commencing from and after the Abolition of the said Office shall be rendered to and passed before the Commissioners for auditing the Public Accounts, in like Manner as other Public Accounts are now rendered and passed under and by virtue of the Laws and Regulations now in force;

force; and the said Commissioners for auditing Public Accounts shall, for the Purposes aforesaid, have all the Powers and Authorities now possessed and exercised by them as Commissioners for auditing Public Accounts.

All Commissions and Appointments of Officers under the Commissioners of Excise and the Commissioners of Stamps and Taxes to remain in force, and the Persons holding the same to be Officers of Inland Revenue.

X. And be it enacted, That all Commissions, Deputations, and Appointments at any Time heretofore granted to any Officers of or under the Commissioners of Excise or of or under the Commissioners of Stamps and Taxes, and in force at the Time of the passing of this Act, shall respectively remain and continue in full Force and Effect until the same shall be revoked or recalled by lawful Authority; and the Persons holding such Commissions, Deputations, and Appointments shall have full Power and Authority to execute the Duties of their respective Offices and Appointments, and to enforce all Laws, Regulations, Penalties, and Forfeitures relating to the Revenues and Duties for which they have respectively been appointed, as fully and effectually, to all Intents and Purposes, as they might or could do before or at the Time of the passing of this Act; and all Officers who at the Time of the passing of this Act hold their respective Offices during the Will and Pleasure of the Commissioners of Excise or of the Commissioners of Stamps and Taxes shall hereafter hold such Offices subject to the Will and Pleasure of the Commissioners of Inland Revenue, and all such Officers shall be deemed to be Officers of Inland Revenue, and be under the Control and Authority of the said Commissioners of Inland Revenue.

Bonds and Securities to remain in force, and to extend to the Duties under the Care of the Commissioners of Inland Revenue.

XI. And be it enacted, That all Bonds and Securities to Her Majesty, or to the Commissioners of Excise, or the Commissioners of Stamps and Taxes, or to any Officer or Person in their respective Employ, which have been heretofore given or entered into by any Persons whatsoever, either as Principals or Sureties, for securing the due accounting for or the Payment of any Duties or other Monies under the Care or Management of the Commissioners of Excise or of the Commissioners of Stamps and Taxes, or for the good Conduct of any Officer, Clerk, or other Person, or for any other Purpose whatever relating to the said Duties or Monies or any of them respectively, shall remain and continue in full Force and Effect until the Conditions of such Bonds or Securities, or the Purposes for which the same were given or entered into, shall have been duly performed, fulfilled, or accomplished; and all such Bonds and Securities, and the Conditions thereof respectively, shall extend and be deemed and construed to extend, and shall be applied, to all or any other of the Revenues, Duties, Matters, and Things which under or in pursuance of this Act are or shall be placed under the Care of the Commissioners of Inland Revenue, as well as to the particular Revenues, Duties,

Duties, Matters, and Things mentioned in such Bonds and Securities, or the Conditions thereof respectively.

Provisions of 6 & 7 W. 4. c. 28. and 1 & 2 Vict. c. 61. to extend to Revenues, &c. placed under Management of Commissioners of Inland Revenue.

XII. And whereas an Act was passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to enable Persons to make Deposits of Stock or Exchequer Bills in lieu of giving Security by Bond to the Postmaster General and Commissioners of Land Revenue, Customs, Excise, Stamps, and Taxes*, and an Act was passed in the Second Year of Her present Majesty's Reign to amend the said last-mentioned Act: Be it enacted, That the Provisions of the said recited Acts shall extend and be deemed and construed to extend to all and singular the Revenues, Duties, Matters, and Things which now are or at any Time hereafter shall be placed under the Care or Management of the Commissioners of Inland Revenue; and that any Public Stock or Exchequer Bills which shall at any Time hereafter be required to be transferred or deposited by way of Security in pursuance of the said recited Acts, with relation to any of the Revenues, Duties, Matters, or Things aforesaid, may respectively be transferred in the Books of the Governor and Company of the Bank of *England*, or deposited in the Bank of *England*, by or on behalf of the Person or Persons or Body Corporate from whom such Security may be required, into or in the Name of the Chairman for the Time being of the Commissioners of Inland Revenue, and into or in the Name or Names of such Person or Persons or Body Corporate, or of any Person or Persons appointed by him or them.

Deposits of Stock, &c. as Securities in lieu of Bonds to be made in the Name of the Chairman of Inland Revenue.

Chairman of Inland Revenue empowered to transfer Stock deposited in the Name of the Chairman of Excise and of Stamps and Taxes respectively.

XIII. And with regard to any Public Stock or Exchequer Bills which at the Time of the passing of this Act may be standing in the Books of the Governor and Company of the Bank of *England*, or deposited in the Bank of *England*, in pursuance of the said recited Acts or either of them, in the Name of the Chairman for the Time being of the Commissioners of Excise or of the Commissioners of Stamps and Taxes, and of any other Person or Persons, be it enacted, That it shall be lawful for the Chairman for the Time being of the Commissioners of Inland Revenue and he is hereby fully authorized and empowered to sell and transfer, or re-transfer or deliver up, all or any of such Stock or Exchequer Bills respectively, upon the Certificate of any Two or more of the Commissioners of Inland Revenue, to the Purport or Effect in the said Acts respectively mentioned in that Behalf, in such and the like Cases and in like Manner as the Chairman for the Time being of the Commissioners of Excise or of the Commissioners of Stamps and Taxes might lawfully have done if this Act had not been passed.

Lands and Buildings now vested in the Secretary of Excise in trust for the Public Service to be vested in the Secretary of Inland Revenue upon the like Trusts.

XIV. And be it enacted, That all Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments in the United Kingdom which have heretofore been purchased, acquired, or taken for the Use and Service of the Revenue of Excise, together with the Rights, Members, Easements, and Appurtenances to the same respectively belonging, and which at or immediately before the passing of this Act are or were vested in the Secretary for the Time being of the Commissioners of Excise, in trust for Her Majesty, Her Heirs and Successors, for the Use and Service of the Revenue of Excise, shall from and immediately after the passing of this Act become and be and remain and continue vested in the Secretary for the Time being of the Commissioners of Inland Revenue, and his respective Successors, as such Secretaries as last aforesaid, according to the Nature and Quality of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments, and the several Estates and Interests of and in the same respectively, in trust for Her Majesty, Her Heirs and Successors, for the Use and Service of the Inland Revenue, with, under, and subject to the like Powers for the selling, exchanging, letting, demising, or otherwise disposing of the said Manors, Messuages, Buildings, Lands, Tenements, and Hereditaments as are expressed and contained with relation thereto in any Act or Acts of Parliament now in force.

Commissioners of Inland Revenue may appoint Officers to be Collectors and Receivers of several Branches of Inland Revenue.

XV. And be it enacted, That it shall be lawful for the Commissioners of Inland Revenue to nominate and appoint from Time to Time such of the Persons appointed or to be appointed Collectors or Officers for the Receipt of any Branch or Description of the Revenues or Duties under the Care or Management of the said Commissioners of Inland Revenue as the said last-mentioned Commissioners shall think proper to be also Collectors or Officers for the Receipt of any One or more or all of the other Branches or Descriptions of the Revenues or Duties aforesaid within and for such Counties, Districts, or Circuits of Receipt as the said Commissioners of Inland Revenue shall appoint in that Behalf; and all such Collectors and Officers so to be nominated and appointed as aforesaid for the Receipt of Two or more Branches or Descriptions of the said Revenues or Duties shall have, use, and exercise all the Powers and Authorities vested by Law in the several Collectors and Officers for the Receipt of the same Revenues and Duties respectively.

Licences how to be granted and signed.

XVI. And whereas under and by virtue of divers Acts of Parliament now in force certain Licences are required to be taken out and obtained from the Commissioners of Excise and the Commissioners of Stamps and Taxes respectively by Persons using, exercising, or carrying on certain Trades, Professions, Callings, Occupations, or Businesses,



or

or trading or dealing in, or vending, selling, or retailing, certain Goods, Wares, or Commodities; or keeping or using certain Articles, and by other Persons and for other Purposes in the said Acts specified; and it is expedient to provide for the granting and signing of such Licences: Be it enacted, That all or any of such Licences as aforesaid shall and may lawfully be granted and signed by such Person or Persons as the Commissioners of Inland Revenue shall appoint or authorize in that Behalf; and every such Licence which shall be so granted and signed shall be as valid and effectual for all Purposes whatsoever as it would have been if the same had been granted or signed by or under the Hands and Seals of the said Commissioners of Inland Revenue, or any Number of them, any thing in any Act or Acts contained to the contrary thereof in anywise notwithstanding.

Terms used in former Acts, and in written Documents, relating to the Revenues of Excise or Stamps and Taxes, how to be construed after the passing of this Act.

XVII. And for the better effectuating and carrying out the Purposes and Objects of this Act, be it enacted, That wherever in any Act of Parliament, or in any Bond or Security, or in the Condition thereof respectively, or in any Deed or other Instrument or Writing, or in any Rules, Orders, or Regulations relating to or concerning the several Revenues or Duties of Excise or Stamps and Taxes, or any Matter or Thing which at the Time of the passing of this Act is under the Care or Management of the Commissioners of Excise or the Commissioners of Stamps and Taxes, the several Terms and Expressions herein-after mentioned, or any of them, occur, such Terms and Expressions, so far as the same or any of them may relate to any Duties or Sums of Money, or any Fines, Penalties, or Forfeitures, which shall accrue or be incurred or be or become payable or in arrear, or to any Act, Matter, or Thing to be done or omitted to be done, or which shall take effect at any Time after the passing of this Act, shall respectively be construed and read (where such Construction shall be necessary for or shall tend to effect or promote the Purposes and Objects aforesaid, and shall not be repugnant to or inconsistent with the Facts of the Case or the Matter which may be in question,) as if the substituted Terms and Expressions herein-after mentioned were respectively inserted in such Act, Bond, Security, Condition, Deed, Instrument, or Writing, Rules, Orders, and Regulations respectively, in lieu of the said several other Terms and Expressions which have been used and do occur therein respectively; (that is to say,) for and in lieu of the several Terms and Expressions "Commissioners of Excise," "Commissioners of Stamps and Taxes," "Commissioners of Stamps," and "Commissioners for the Affairs of Taxes" respectively, or any other Term or Expression by which the said respective Commissioners, or any of them, are designated, the Term "Commissioners of Inland Revenue" shall be read and substituted; and for and in lieu of the several Terms and

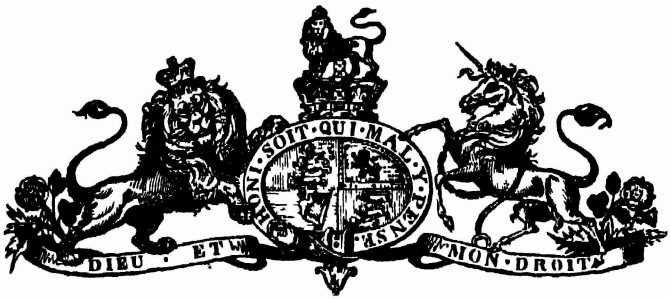
Expressions

Expressions "Secretary of the Commissioners of Excise" and "Secretary of the Commissioners of Stamps and Taxes" respectively, or any other Term or Expression by which the said several Offices of Secretary are respectively designated, the Term "Secretary of the Commissioners of Inland Revenue" shall be read and substituted; and for and in lieu of the several Terms and Expressions "Solicitor of Excise," "Solicitor of Stamps and Taxes," and "Solicitor of Stamps" respectively, or any other Term or Expression by which the said several Offices of Solicitor are respectively designated, the Term "Solicitor of Inland Revenue" shall be read and substituted; and for and in lieu of the several Terms and Expressions "Receiver General of Excise," "Receiver General of Stamps and Taxes," and "Receiver General of Stamp Duties" respectively, or any other Term or Expression by which the said several Offices of Receiver General are respectively designated, the Term "Receiver General of Inland Revenue" shall be read and substituted; and for and in lieu of the several Terms and Expressions "Accountant General of Excise" and "Accountant and Comptroller General of Stamps and Taxes" respectively, or any other Term or Expression by which the said several Offices of Accountant General and Accountant and Comptroller General are respectively designated, the Term "Accountant and Comptroller General of Inland Revenue" shall be read and substituted; and for and in lieu of the several Terms and Expressions "Chief Office of Excise," "Head Office for Stamps and Taxes," and "Head Office for Stamp Duties" respectively, or any other Term or Expression by which the said several Chief or Head Offices are respectively designated, the Term "Chief Office of Inland Revenue" shall be read and substituted; and in all Proceedings at Law or in Equity touching or concerning the said Revenues, Duties, or Sums of Money, Fines, Penalties, or Forfeitures, or any other of the several Matters or Things aforesaid, every such Act, Bond, or Security, or the Condition thereof respectively, and every such Deed, Instrument, or Writing, Rule, Order, or Regulation as aforesaid respectively, may, if necessary for the Purposes and Objects aforesaid, be pleaded as if such substituted Terms and Expressions respectively were inserted therein for and in lieu of the said other Terms and Expressions which may have been used therein respectively.

Act may be amended, &c.

XVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.




ANNO DUODECIMO

# VICTORIÆ REGINÆ.

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## CAP. II.

An Act to continue, until the First Day of *September* One thousand eight hundred and forty-nine, an Act of the last Session, for empowering the Lord Lieutenant or other Chief Governor or Governors of *Ireland* to apprehend and detain such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government. [27th *February* 1849.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to empower the Lord Lieutenant or other Chief Governor or Governors of* Ireland *to apprehend and detain, until the First Day of* March *One thousand eight hundred and forty-nine, such Persons as he or they shall suspect of conspiring against Her Majesty's Person and Government:* And whereas it is necessary for the Safety of *Ireland* that the Provisions of the said Act should be continued for a limited Time: Be it therefore enacted by the Queen's most Excellent Majesty, by and 11 & 12 Vict. c. 35.

 with

with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person and Persons who is, are, or shall be within Prison within that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland* at or on the Day on which this Act shall receive Her Majesty's Royal Assent, or after by Warrant of Her Majesty's Most Honourable Privy Council of *Ireland*, signed by Six of the said Privy Council, for High Treason or treasonable Practices, or Suspicion of High Treason or treasonable Practices, or by Warrant signed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or his or their Chief Secretary, for such Causes as aforesaid, may be detained in safe Custody, without Bail or Mainprize, until the First Day of *September* One thousand eight hundred and forty-nine, and that no Judge or Justice of the Peace shall bail or try any such Person or Persons so committed, without Order from Her Majesty's said Privy Council, until the First Day of *September* One thousand eight hundred and forty-nine, any Law or Statute to the contrary notwithstanding.

Persons imprisoned in Ireland for High Treason, &c. may be detained till 1st September 1849, and shall not be bailed or tried without an Order from the Privy Council.

II. And be it enacted, That in Cases where any Person or Persons have been before the passing of this Act, or shall be during the Time this Act shall continue in force, arrested, committed, or detained in Custody by Force of a Warrant or Warrants of Her Majesty's Most Honourable Privy Council of *Ireland*, signed by Six of the said Privy Council, for High Treason or treasonable Practices, or Suspicion of High Treason or treasonable Practices, or by Warrant or Warrants signed by the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or his or their Chief Secretary, for such Causes as aforesaid, it shall and may be lawful for any Person or Persons to whom such Warrant or Warrants have been or shall be directed to detain such Person or Persons so arrested, committed, or detained in his or their Custody in any Place whatever within *Ireland*, and that such Person or Persons to whom such Warrant or Warrants have been or shall be directed shall be deemed and taken to be to all Intents and Purposes lawfully authorized to detain in safe Custody, and to be the lawful Gaolers and Keepers of such Persons so arrested, committed, or detained, and that such Place or Places where such Persons so arrested, committed, or detained are or shall be detained in Custody shall be deemed and taken to all Intents and Purposes to be lawful Prisons and Gaols for the Detention and safe Custody of such Person and Persons respectively; and that it shall and may be lawful to and for the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, by Warrant

Persons to whom Warrants of Commitment are directed shall detain the Persons so committed in safe Custody.

Persons charged with Custody, as also Place of

Warrant signed by him or them, or for the Chief Secretary of such Lord Lieutenant or other Chief Governor or Governors, by Warrant signed by such Chief Secretary, or for Her Majesty's Privy Council of *Ireland*, by Warrant signed by Six of the Privy Council, from Time to Time as Occasion shall be, to change the Person or Persons by whom, and the Place in which, such Person or Persons so arrested, committed, or detained shall be detained in safe Custody.

Detention, may be changed by Warrant as herein mentioned.

III. Provided always, and be it enacted, That Copies of such Warrants respectively shall be transmitted to the Clerk of the Crown in and for the County of the City of *Dublin*, and shall be filed by him in the Public Office of the Pleas of the Crown at the City of *Dublin*.

Copies of Warrants to be transmitted to the Clerk of the Crown for Dublin.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO

# VICTORIÆ REGINÆ.

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Consolidated Fund.

Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 8,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1. 4 & 5 W. 4. c. 15. and 5 & 6 Vict. c. 66.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

The Clauses, &c. in recited Acts extended to this Act.

III. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 8,000,000*l.*

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills



authorized

authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* any Sum or Sums of Money not exceeding in the whole the Sum of Eight Millions, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts, to the contrary notwithstanding.

on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

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# VICTORIÆ REGINÆ.

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## CAP. IV.

### An Act to amend the Laws relating to the Appointment of Vice Guardians of Unions in *Ireland*. [9th *March* 1849.]

WHEREAS by an Act passed in the Second Year of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, and by a further Act passed in the Tenth Year of the Reign of Her said Majesty, intituled *An Act to make further Provision for the Relief of the destitute Poor in* Ireland, the Commissioners for administering the Laws for the Relief of the Poor in *Ireland* are authorized and empowered, in certain Cases in the said Acts specified, to dissolve the Board of Guardians of any Union in *Ireland*, and in lieu thereof to appoint paid Officers to carry into execution the Provisions of the said Acts; and it is by the said Acts further provided, that such paid Officers when appointed shall, unless the Commissioners shall sooner revoke or determine their Appointment, hold their Offices for the Time of One Year from the Date of their Appointment, and thenceforth till the Time of the next Election of Guardians for such Union, and no longer: And whereas the said Commissioners did, before the Twenty-fifth Day of *March* which was

1 & 2 Vict. c. 56.

10 & 11 Vict. c. 31.

 in

in the Year One thousand eight hundred and forty-eight, dissolve the Boards of Guardians of certain Unions in *Ireland*, and did before the said Day in the said Year appoint paid Officers to carry into execution the Provisions of the said Acts in each of the said Unions respectively, and the Powers of the said paid Officers, or their Successors, as the Case may be, will under the Provisions of the said Acts cease and determine on the Twenty-fifth Day of *March* next, in this present Year One thousand eight hundred and forty-nine: And whereas it is expedient that in certain of the said Unions the paid Officers so appointed as aforesaid, or their Successors, as the Case may be, should continue in Office for a Period subsequent to the Twenty-fifth Day of *March* next, as herein-after is provided, and that the Re-election of a Board of Guardians in each of the said last-mentioned Unions should be postponed for such further Period: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases in which the Board of Guardians of any Union in *Ireland* shall have been dissolved, and paid Officers shall have been appointed to carry into execution the Provisions of the said Acts, before the Twenty-fifth Day of *March* which was in the Year One thousand eight hundred and forty-eight, it shall be lawful for the said Commissioners, by an Order under their Seal, to direct the Continuance in Office of the said paid Officers or of their Successors, as the Case may be, until the First Day of *November* in the present Year One thousand eight hundred and forty-nine, and on the Issue of such Order in the Case of any Union or Unions the paid Officers of each such Union or their Successors, as the Case may be, shall continue in Office until the said First Day of *November* in the present Year One thousand eight hundred and forty-nine, unless their Appointment be sooner revoked and determined by the said Commissioners, and no longer, and shall have all the same Powers and Authorities as are given to such paid Officers during their Continuance in Office under the Provisions of the said Acts, anything in the said Acts to the contrary notwithstanding.

In Cases in which Boards of Guardians have been dissolved, and paid Officers appointed, Commissioners empowered to continue them for a certain Time.

II. And be it enacted, That no Election of Guardians of any Union in regard to which any such Order under Seal of the said Commissioners shall have been issued shall take place at the annual Period for the general Election of Guardians in the said first-recited Act provided, that is to say, on the Twenty-fifth Day of *March* in the present Year One thousand eight hundred and forty-nine, or in Fourteen Days thereafter, and that all Notices of such Election, and all other Proceedings therein, shall on the Issue of such Order under Seal

As to Elections of Guardians in certain Cases.

Seal of the said Commissioners be abated and discontinued, and be of no Validity or Effect whatever; but in all Cases in which the Commissioners shall not issue such Order under their Seal the annual Election of Guardians shall take place, and the Powers of the paid Officers shall cease and determine, as in the above-recited Acts is provided, that is to say, on the Twenty-fifth Day of *March* in the present Year One thousand eight hundred and forty-nine.

Commissioners may discontinue paid Officers in certain Cases.

III. And be it enacted, That it shall be lawful for the said Commissioners at all Times, in any Case in which the Board of Guardians of a Union shall have been heretofore or shall be at any Time hereafter dissolved, and in which paid Officers shall have been or shall be appointed as aforesaid, to issue an Order under their Seal directing the Discontinuance in Office of such paid Officers, and the Re-election of a Board of Guardians, and on the Issue of such Order under the Seal of said Commissioners such Election of a Board of Guardians shall take place according to the Directions of the said Commissioners, and all the Powers and Authorities of such paid Officers shall cease and determine at the Time fixed for that Purpose in the Order of the said Commissioners; provided that in the Case of any Union the Board of Guardians of which shall have been dissolved, and in which paid Officers shall have been appointed as aforesaid, before the Twenty-fifth Day of *March* which was in the Year One thousand eight hundred and forty-eight, the said Commissioners shall by Order under their Seal direct such Election of Guardians to take place, and shall direct the Discontinuance of such paid Officers to take effect on some Day not later than the First Day of *November* in the present Year One thousand eight hundred and forty-nine.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

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# VICTORIÆ REGINÆ.

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3 & 4 W. 4. c. 71.

Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King William the Fourth, intituled *An Act for the Appointment of convenient Places for the holding of Assizes in* England *and* Wales, after reciting that the Places at which the Assizes were then held in various Counties in *England* and *Wales* were inconvenient to the Inhabitants thereof, and that it would conduce to the more cheap, speedy, and effectual Administration of Justice to appoint other Places instead thereof for the holding of Assizes, it was amongst other things declared and enacted, that His Majesty, by and with the Advice of His Most Honourable Privy Council, should have Power from Time to Time to order and direct at what Place or Places in any County in *England* or *Wales* the Assizes and Sessions under the Commissions of Gaol Delivery, and other Commissions for the Despatch of Civil and Criminal Business, should be holden: And whereas since the passing of the first above-recited Act up to the present Time the Summer Assizes for the said County have been regularly held in the Town of *Buckingham*: And whereas the holding of the said Assizes at the said Town is inconvenient to the Inhabitants of the said County at large, and it would conduce to the more cheap, speedy, and effectual Administration of Justice if some other Place or Places were appointed for the holding of the said Assizes, but by reason of the said first above-recited Act that Object cannot be effected under the Provisions of the secondly above-recited Act: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That so much of the said first above-mentioned Act as is herein-before recited shall be and the same is hereby repealed.

Provisions of the first-recited Act requiring the Summer Assizes to be held in the Town of Buckingham repealed.

Provisions of secondly recited Act extended to the County of Buckingham.

II. And be it enacted, That all the Powers and Provisions of the said Act passed in the Session of Parliament holden in the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth shall extend and apply to the said County of *Buckingham*, and every Place therein, any Law, Statute, Matter, or Thing to the contrary notwithstanding.

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Short Title. II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Annual Inclosure Act, 1849."

## The SCHEDULE to which this Act refers.

| Inclosure | County. | Date of Provisional Order. |
|---|---|---|
| Langrathby Moor - - | Cumberland - - | 26th January 1846. |
| Pyrton - - - | Oxford - - - | 24th January 1848. |
| Chorley Green - - | Chester - - | 11th May 1848. |
| Bell, Swan, and Silverlace Greens. | Suffolk - - - | 29th July 1848. |
| Bickerton Hills - - | Chester - - | 5th August 1848. |
| Bramerton Common - - | Norfolk - - | 18th September 1848. |
| Headley - - - | Southampton - - | 18th September 1848. |
| Oakworth Common - - | York - - - | 18th September 1848. |
| Buckland Newton - - | Dorset - - - | 18th September 1848. |
| Abbots Wood - - | Southampton - - | 4th October 1848. |
| Black Torrington - - | Devon - - - | 4th October 1848. |
| Westwell Leacon - - | Kent - - - | 4th October 1848. |
| Holster Yard - - - | Devon - - - | 4th October 1848. |
| Cowley Open Fields, The Marsh, Bullingdon Green, and Elder Stubbs. | Oxford - - - | 31st October 1848. |
| Cradley - - - | Hereford - - | 16th November 1848. |
| Oatlands, Botley, and Osney - | Oxford - - - | 16th November 1848. |
| Firbank Fells - - | Westmorland - - | 5th January 1849. |
| Oxton - - - | Nottingham - - | 5th January 1849. |
| Dent - - - | York, W. R. - - | 5th January 1849. |
| Mansfield Woodhouse Forest | Nottingham - - | 5th January 1849. |
| Cadishead Moss - - | Lancaster - - | 5th January 1849. |
| Cefn Ertham Common - | Brecknock - - | 29th January 1849. |

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Parish within such County, and they are hereby required from Time to Time to make such Appointments accordingly.

Repeal of Part of the 43 Eliz. c. 2. s. 10.

II. And be it enacted, That so much of the said Act as renders the Mayor, Alderman, and head Officer of any City, Town, or Place Corporate liable, upon the Default of the Nomination of Overseers therein, to lose and forfeit for every such Default Five Pounds, shall be and the same is hereby repealed.

Appointments of Overseers in Cities and Boroughs by Justices rendered valid.

III. And be it enacted, That the Appointments of any Overseers of the Poor in such Cities, Towns Corporate, or Boroughs heretofore made by Justices of the Peace therein, without the Concurrence of the Mayor or other head Officer thereof, shall be deemed and taken to be valid, and that every Rate or Assessment made or to be made, and every other Act and Thing done or to be done by any Overseers so appointed, shall, if otherwise lawful, be valid for all Purposes.

Saving of the City of London and Places under Local Acts.

IV. Provided nevertheless, and be it enacted, That this Act shall not apply to the City of *London*, nor to any of the Parishes comprised therein, nor to the Appointment of the Overseers of any Parish, Township, or Place where such Appointment is regulated by the Provisions of any Local Act.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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25 C. 2. c. 2. the Reign of His Majesty King *Charles* the Second, intituled *An Act for preventing the Dangers which may happen from Popish Recusants;* or according to another Act passed in the Thirtieth Year of the
30 C. 2. st. 2. Reign of His Majesty King *Charles* the Second, intituled *An Act for the more effectual preserving the King's Person and Government, by disabling Papists from sitting in either House of Parliament;* or according to another Act passed in the Eighth Year of the Reign of
8 G. 1. c. 6. His Majesty King *George* the First, intituled *An Act for granting the People called Quakers such Forms of Affirmation or Declaration as may remove the Difficulties which many of them lie under;* or according to another Act passed in the Ninth Year of the Reign of His Majesty
9 G. 2. c. 26. King *George* the Second, intituled *An Act for indemnifying Persons who have omitted to qualify themselves for Offices within the Time limited by Law, and for allowing further Time for that Purpose; and for amending so much of an Act passed in the Second Year of the Reign of His present Majesty as requires Persons to qualify themselves for Offices before the End of the next Term or Quarter Sessions; and also for enlarging the Time limited by Law for making and subscribing the Declaration against Transubstantiation; and for allowing a further Time for Enrolment of Deeds and Wills made by Papists; and for Relief of Protestant Purchasers, Devisees, and Lessees;* or according to another Act passed in the Eighteenth Year
18 G. 2. c. 20. of the Reign of His Majesty King *George* the Second, intituled *An Act to amend and render more effectual an Act passed in the Fifth Year of His present Majesty's Reign, intituled 'An Act for the further 'Qualification of Justices of the Peace;'* or according to another Act passed in the Sixth Year of the Reign of His Majesty King *George*
6 G. 3. c. 53. the Third, intituled *An Act for altering the Oath of Abjuration and the Assurance; and for amending so much of an Act passed in the Seventh Year of the Reign of Her late Majesty Queen* Anne, *intituled 'An Act for the Improvement of the Union of the Two Kingdoms,' as after the Time therein limited requires the Delivery of certain Lists and Copies therein mentioned to Persons indicted of High Treason or Misprision of Treason;* or according to another Act passed in the Ninth Year of the Reign of His Majesty King *George* the
9 G. 4. c. 17. Fourth, intituled *An Act for repealing so much of several Acts as imposes the Necessity of receiving the Sacrament of the Lord's Supper as a Qualification for certain Offices and Employments;* or according to another Act passed in the Tenth Year of the Reign of His said
10 G. 4. c. 7. Majesty, intituled *An Act for the Relief of His Majesty's Roman Catholic Subjects,* so far only as the said Act relates to any Civil or Military Offices or Places of Trust, or Places of Profit or Corporate Offices; have, through Ignorance of the Law, Absence, or some unavoidable Accident, omitted to take and subscribe the Oaths and Assurance and make and subscribe the Declaration required by the

said recited Acts or either of them, or otherwise to qualify themselves as aforesaid, within such Time and in such Manner as in and by the said Acts respectively is required, whereby they have incurred, or may be in danger of incurring, divers Penalties and Disabilities: For quieting the Minds of Her Majesty's Subjects, and for preventing any Inconvenience that might otherwise happen by means of such Omissions, be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all and every Person or Persons who, at or before the passing of this Act, hath or shall have omitted to take and subscribe the Oaths and Declarations, or otherwise to qualify him, her, or themselves, within such Time and in such Manner as in and by the said Acts or any of them is required, and who, after accepting any such Office, Place, or Employment, or undertaking any Profession or Thing, on account of which such Qualification ought to have been had and is required, before the passing of this Act, hath or have taken and subscribed the said Oaths or made the Declarations required by Law, or who on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty shall take and subscribe the Oaths, Declarations, and Assurance respectively, in such Cases wherein by the said several Acts or any or either of them the said Oaths, Declarations, and Assurance ought to have been taken and subscribed, in such Manner and Form, and at or in such Place or Places, as are appointed in and by the said several Acts or any or either of them, shall be and are hereby indemnified, freed, and discharged from and against all Penalties, Forfeitures, Incapacities, and Disabilities incurred or to be incurred for or by reason of any Neglect or Omission, previous to the passing of this Act, of taking or subscribing the said Oaths or Assurance, or making or subscribing the said Declarations respectively, or taking or subscribing the said Oath, according to the above-mentioned Acts or any of them or any other Act or Acts; and such Person or Persons is and are and shall be fully and actually recapacitated and restored to the same State and Condition as he, she, or they were in before such Neglect or Omission, and shall be and be deemed and adjudged to have duly qualified him, her, or themselves according to the above-mentioned Acts and every of them; and that all Elections of, and Acts done or to be done by, any such Person or Persons, or by Authority derived from him, her, or them, are and shall be of the same Force and Validity as the same or any of them would have been if such Person or Persons respectively had taken the said Oaths or Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, according to the Directions of the said Acts and every or any of them; and that the Qualification

Persons who have omitted to qualify themselves as required by the recited Acts indemnified, and allowed further Time.

cation of such Person or Persons qualifying themselves in manner and within the Time appointed by this Act shall be to all Intents and Purposes as effectual as if such Person or Persons had respectively taken the said Oaths and Assurance, and made and subscribed the said Declarations respectively, and taken and subscribed the said Oath, within the Time and in the Manner appointed by the several Acts before mentioned.

Indemnity to those who have omitted to make and subscribe the Oath and Declaration required by the Irish Act of 2 Anne.

II. And whereas several Persons well affected to Her Majesty's Government, and to the United Church of *England* and *Ireland*, have, through Ignorance of the Law, neglected, or been, by Sickness or other unavoidable Causes, prevented from taking and subscribing the Declaration according to the Directions of an Act passed in the Parliament of *Ireland* in the Second Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act to prevent the further Growth of Popery*: Be it therefore enacted, That all Persons who have incurred any Penalty or Incapacity in the said recited Act mentioned, by neglecting to qualify themselves according to the said Act, shall be and are hereby indemnified, freed, and discharged from all Incapacities, Disabilities, Penalties, and Forfeitures incurred by reason of such Omission or Neglect as aforesaid; and that no Act done by any of them, not yet avoided, shall be questioned or avoided by reason of such Omission or Neglect, but that all such Acts shall be and are hereby declared to be as good and effectual as if such Persons respectively had taken and subscribed the said Oath, and made and repeated and subscribed the said Declaration, at such Time and Place and Manner as in the said Act is mentioned; anything in the said Act to the contrary notwithstanding: Provided always, that such Person or Persons do and shall take and subscribe the said Oaths, and make, repeat, and subscribe the said Declaration, in such Manner and Form, and in such Place or Places respectively, as are directed and appointed by the said last-recited Act, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty.

Not to indemnify Persons against whom final Judgment has been given.

III. Provided always, and be it enacted, That this Act, or anything herein contained, shall not extend or be construed to extend to indemnify any Person against whom final Judgment shall have been given in any Action of Debt, Bill, Plaint, or Information, in any of Her Majesty's Courts of Record, for any Penalty incurred by having neglected to qualify himself within the Time limited by Law.

Not to exempt Justices acting without legal Qualification

IV. Provided also, and be it enacted, That nothing contained in this Act shall extend or be construed to extend to exempt any Justice of the Peace within *Great Britain* from the Penalties to which

which he is subject for acting as such without being possessed of the Qualification required by the Laws now in force.

Admissions to Corporations may be stamped after the Time allowed.

V. And whereas the Appointment of divers Clerks of the Peace, Town Clerks, and other Public Officers, and the Admission of divers Members and Officers of Cities, Corporations, and Borough Towns, in *Great Britain* and *Ireland*, or the Entries of such Admissions in the Court Books, Rolls, or Records of such Cities, Corporations, and Borough Towns which by several Acts are directed and required to be stamped, may not have been provided or the same not stamped, or may have been lost or mislaid: Be it enacted, That for the Relief of such Persons whose Appointments and Admissions, or the Entries of whose Admissions as aforesaid, may not have been provided or not duly stamped, or where the same have been lost or mislaid, it shall and may be lawful to and for such Persons in *Great Britain* or *Ireland*, on or before the Twenty-fifth Day of *March* One thousand eight hundred and fifty, to provide or cause to be provided Appointments and Admissions, or Entries of Admissions, as aforesaid, duly stamped, or in case where such Appointments, Admissions, or Entries of Admissions as aforesaid have been made or provided, but have not been duly stamped, to produce such Appointments, Admissions, or Entries of Admissions as aforesaid to the Commissioners appointed to inspect and manage the Revenues of the Stamp Duties, to be duly stamped, which such Commissioners are hereby authorized and empowered and required to duly stamp, on Payment of double the Amount of the Duties first payable or to have been paid on such Appointments, Admissions, or Entries as aforesaid, without any other Fine or Forfeiture thereon; and in order to denote the said Duties the said Commissioners are hereby authorized and empowered to use such Stamps as shall have been heretofore provided to denote any former Duties on stamped Vellum, Parchment, and Paper, or to cause new Stamps to be provided for that Purpose, and to do all other Things necessary for putting this Act in execution, in the like and in as full and ample Manner as they or the major Part of them are authorized to put in execution any former Law concerning stamped Vellum, Parchment, and Paper; and such Person so providing Appointments, Admissions, or Entries of Admissions as aforesaid, duly stamped, or procuring the same to be duly stamped in manner aforesaid, are and shall be hereby confirmed and qualified to act as Clerk of the Peace, Town Clerk, and other Public Officer, or Member or Members, Officer or Officers of such Cities, Corporations, and Borough Towns respectively, to all Intents and Purposes, and shall and may hold and enjoy and execute such Offices or any other Office or Offices into which he or they hath or have been elected, notwithstanding his or their

Omission, or the Omission of any of their Predecessors in such Cities, Corporations, or Borough Towns as aforesaid, and shall be indemnified and discharged of and from all Incapacities, Disabilities, Forfeitures, Penalties, and Damages by reason of any such Omission; and none of his or their Acts shall be questioned or avoided by reason of the same.

Not to restore Persons to any Office avoided by Judgment.

VI. Provided always, and be it enacted, That this Act, or anything herein contained, shall not extend or be construed to extend to restore or entitle any Person or Persons to any Office or Employment, Benefice, Matter, or Thing whatsoever, already actually avoided by Judgment of any of Her Majesty's Courts of Record, already legally filled up and enjoyed by any other Person, but that such Office or Employment, Benefice, Matter, or Thing, so avoided or legally filled up and enjoyed, shall be and remain in and to the Person or Persons who is or are now or shall at the passing of this Act be legally entitled to the same, as if this Act had never been passed.

General Issue.

VII. And be it enacted, That in case any Action, Suit, Bill of Indictment, or Information shall from and after the passing of this Act be brought, carried on, or prosecuted against any Person or Persons hereby meant or intended to be indemnified, recapacitated, or restored, for or on account of any Forfeiture, Penalty, Incapacity, or Disability whatsoever incurred or to be incurred by any such Neglect or Omission, such Person or Persons may plead the General Issue, and upon their Defence give this Act and the special Matter in Evidence upon any Trial to be had thereupon.

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# VICTORIÆ REGINÆ.

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mentioned Forces in their Duty, that an exact Discipline be observed, and that Soldiers who shall mutiny or stir up Sedition, or shall desert Her Majesty's Service, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to make Articles of War for the better Government of Her Majesty's Forces, which Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same, printed by the Queen's Printer, shall, as soon as may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland*, or the *British* Isles, shall by such Articles of War be subject to be transported as a Felon, or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject with reference to any Crimes made punishable by this Act to be punished in any Manner which shall not accord with the Provisions of this Act.

Articles of War made by Her Majesty to be judicially taken notice of.

II. And be it enacted, That all the Provisions of this Act shall apply to all Persons who are or shall be commissioned or in Pay as an Officer, or who are or shall be listed or in Pay as a Non-commissioned Officer or Soldier, and to all Persons employed on the Recruiting Service receiving Pay in respect of such Service, and to the Officers and Soldiers belonging to the Forces of the *East India* Company while such Officers or Soldiers shall be in any Part of the United Kingdom, and to the Officers and Persons who are or shall be serving and hired to be employed in the Royal Artillery and Field Train, and to Master Gunners, and Gunners, and Conductors of Stores, and to all Officers and Persons who are or shall be serving in the Regiment of Royal Engineers and the Corps of Royal Sappers and Miners, and in the Corps of Royal Military Surveyors and Draftsmen, and to Persons in the Ordnance and Commissariat Departments, who are or shall be serving with any Part of Her Majesty's Forces at home or abroad, under the Command of any Officer having Commission from Her Majesty or from His late Majesty King *William* the Fourth, and to all Storekeepers and other Civil Officers who are or shall be employed by or act under the Ordnance at any of Her Majesty's Ordnance Establishments in the Islands of *Jersey*, *Guernsey*, *Alderney*,

Persons subject to this Act.

*Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, or at Foreign Stations; provided that nothing in this Act contained shall extend to affect any Security which has been given by such Storekeeper, Barrack Master, or other Officer, or their Sureties, for the due Performance of their respective Offices, under the Provisions of an Act passed in the Fiftieth Year of the Reign of His Majesty King *George* the Third, to regulate the taking of Securities in all Offices, but that such Bonds and other Securities shall be and remain in full Force and Effect.

Act to extend to Jersey, Guernsey, &c.

III. And be it enacted, That this Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for the Trial and Punishment of Officers and Soldiers who shall be charged with Mutiny and Desertion, or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Soldier or Deserter, or who shall cause the Colour of any such Clothes to be changed, or who shall aid in the Escape of a Prisoner from a Military Prison, or who shall introduce forbidden Articles into such Prison, or shall carry out any such Articles, or who shall assault any Officer of such Prison, and also to the Provisions for exempting Soldiers from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds, in the said Islands.

Foreign Troops in this Country.

IV. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of Her Majesty's Dominions abroad, or in Places in possession of or occupied by Her Majesty's Subjects under the Command of any Officer having any Commission immediately from Her Majesty, shall be subject to the Provisions of this Act and of Her Majesty's Articles of War, in like Manner as Her Majesty's other Forces are; and if such Officers and Soldiers, having been made Prisoners, be sent into *England* or *Ireland*, although not allowed to serve therein, all the Provisions of this Act in regard to billeting Soldiers shall apply to such Officers and Soldiers.

Militia and Yeomanry.

V. And be it enacted, That nothing in this Act contained shall in anywise be construed to extend to any Militia Forces or Yeomanry

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or Volunteer Corps in *Great Britain* or *Ireland*, excepting only in such Cases wherein, by any Act or Acts for regulating any of the said Forces or Corps, the Provisions contained in any Act for punishing Mutiny and Desertion shall be specifically made applicable to the said Corps.

Power to constitute Courts-martial.

VI. And be it declared and enacted, That for the Purpose of bringing Offenders against this Act and the Articles of War to Justice Her Majesty may from Time to Time, in like Manner as has been heretofore used, grant Commissions under the Royal Sign Manual for the holding Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and may grant Commissions or Warrants under the said Royal Sign Manual to the Chief Governor or Governors of *Ireland*, the Commander of the Forces, or the Person or Persons commanding in chief, or commanding for the Time being any Body of Her Majesty's Forces, as well within the United Kingdom of *Great Britain* and *Ireland* and the *British* Isles as in any of Her Majesty's Garrisons and Dominions or elsewhere beyond Seas, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial as Occasion may require, for the Trial of Offences committed by any of the Forces under the Command of any such last-mentioned Officer, whether the same shall have been committed before or after such Officer shall have taken upon him such Command; the Officer so authorized not being however below the Degree of a Field Officer, except upon the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act, who shall in any Part of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or the Articles of War, may be tried or punished for the same in any Part of Her Majesty's Dominions where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

General Courts-martial.

VII. And be it enacted, That a General Court-martial convened in *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China*, shall consist of not less than Five Commissioned Officers; that if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or in any Part out of the Queen's Dominions, excepting the Parts afore mentioned, it shall consist of not less than Seven; and that if convened in any other Part of the Queen's Dominions, or of the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation,

portation, or any other Punishment which shall accord with the Provisions of this Act.

VIII. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, the *Windward* and *Leeward* Islands, *British Guiana*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act; provided that such Court-martial shall not have Power to try a Commissioned Officer nor to pass any Sentence of Death or Transportation.

District or Garrison Courts-martial.

IX. And be it enacted, That a Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found to be impracticable to assemble that Number, when Three may be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Regimental and Detachment Courts-martial.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination, or other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, the Offence may be tried by a Regimental or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops, provided that the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

Courts-martial on Line of March or in Troop Ships.

XI. And be it enacted, That it shall be lawful for any Officer commanding any District, Detachment, or Portion of Her Majesty's Troops which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident of any such Countries, by any Person serving with or belonging to Her Majesty's Armies, being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial; provided that no Sentence of any such Court-martial shall be executed until the General commanding the Army to which the Division, Brigade, Detachment, or Party to

Courts-martial in special Cases out of the Queen's Dominions.

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which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

Mixed Courts-martial in case of Marines and East India Company.

XII. And be it enacted, That, where necessary or expedient, Officers of Her Majesty's Royal Marines, or Officers in the Service of the *East India* Company, or Officers of both such Services, may sit on Courts-martial, together with Officers of Her Majesty's Land Forces, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or to the Marine Forces; and when the Person to be tried shall belong to the Land Forces, then the Proceedings of such Court shall be regulated, to all Intents and Purposes, as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of this Act, and the Oaths hereby prescribed, shall be applicable to the Proceedings of such Court; but where the Person to be tried shall belong to Her Majesty's Royal Marines, then the Provisions of an Act passed in the present Session of Parliament, for the Regulation of Her Majesty's Royal Marine Forces while on Shore, and the Oaths therein prescribed, shall be applicable; and where the Person to be tried shall be in the Service of the *East India* Company the Provisions of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, to amend the Laws for punishing Mutiny and Desertion of Officers and Soldiers in the Service of the *East India* Company, and the Oaths thereby prescribed, shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or from His late Majesty King *William* the Fourth.

President of Court-martial.

XIII. And be it enacted, That the President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor Commander of the Regiment or Body of Troops composed of Detachments of different Regiments to which the Prisoner belongs; nor in the Case of a General Court-martial under the Degree of a Field Officer, unless a Field Officer cannot be had; nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had.

Proceedings at Trial.

XIV. And be it enacted, That in all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the

the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing the Court shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Swearing and summoning Witnesses.

XV. And be it enacted, That all General and other Courts-martial shall have Power and Authority, and are hereby required, to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General, or his Deputy, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge, by any Affidavit in a summary Way, that

that such Witness was arrested in going to or returning from or attending upon such Court martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or being sworn shall refuse to give Evidence or not produce the Documents under their Power or Control required to be produced by them, or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute, or their respective Substitutes, within their several Shires: and Stewartries, in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made, in like Manner as if such Witness after having been duly summoned or subpœnaed, had neglected to attend in a Trial in any Proceeding in the Court in which such Complaint shall be made.

Previous Convictions to be put in Evidence.

XVI. And be it enacted,—That after a Prisoner has been found guilty of any Charge or Charges, the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial a Certificate, which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court, or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate General or by his Deputy, or by the Officer officiating as such, or by the Officer confirming the Proceedings, or by any competent Staff Officer, in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-before provided to the Officer commanding a Regiment by the Clerk of any such Court, or other

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other Officer having Custody of the Records of such Court, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Report of Proceedings of General and District Courts-martial.

XVII. And be it enacted, That every Judge Advocate, or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, where the Offender shall be a Non-commissioned Officer or Soldier belonging to Her Majesty's Land Forces, are required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Judge Advocate General in *London*, in whose Office they shall be carefully preserved; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No second Trial, but Revision allowed.

XVIII. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a second Time by the same or any other Court-martial for the same Offence; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

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Crimes punishable with Death.

XIX. And be it enacted, That if any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Land or Marine Forces, or shall not use his utmost Endeavours to suppress the same, or coming to the Knowledge of any Mutiny or intended Mutiny shall not, without Delay, give Information thereof to his Commanding Officer; or shall hold Correspondence with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever; or shall treat or enter into any Terms with such Rebel or Enemy without Her Majesty's Licence, or Licence of the General or Chief Commander; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge, or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer, or others, to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall desert Her Majesty's Service; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall strike or shall use or offer any Violence against his Superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer, being in the Execution of his Office, all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within this Realm, or in any other of Her Majesty's Dominions, or in Foreign Parts, upon Land or upon the Sea, shall suffer Death or such other Punishment as by a Court-martial shall be awarded.

Judgment of Death.

XX. And be it enacted, That no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Commutation of Death for Transportation.

XXI. And be it enacted, That whensoever any General Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in any Corps and in



any

any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps which Her Majesty shall please to direct; provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

Embezzlement punishable by Transportation.

XXII. And be it enacted, That every Paymaster or other Commissioned Officer of Her Majesty's Forces, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, damage, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage, of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to Her Majesty's Forces or for Her Majesty's Use, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster*, or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Execution of Sentences of Transportation in the United Kingdom.

XXIII. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter passed upon any Offender by any Court-martial shall be carried into execution

execution for the Term specified in such Sentence or for any shorter Term, or shall be graciously pleased to commute as aforesaid to Transportation any Sentence of Death passed by any such Court, the Sentence, together with Her Majesty's Pleasure thereupon, shall be notified in Writing by the Officer commanding in chief Her Majesty's Forces in *Great Britain* and *Ireland*, or in the temporary Absence of such Officer by the Adjutant General, or when there shall not be any Commander-in-Chief of Her Majesty's Forces in *Great Britain* and *Ireland*, then by the Secretary at War or his Deputy, to any Judge of the Queen's Bench, Common Pleas, or Exchequer in *England* or *Ireland*, and thereupon such Judge shall make an Order for the Transportation of such Offender in conformity with such Notification, and shall also do all such other Acts consequent upon such Notification as such Judge is authorized to do by any Act in force touching the Transportation of other Offenders; and the Person in whose Custody such Offender shall at that Time be, and all other Persons whatsoever whom the said Order may concern, shall be bound to obey and shall be assistant in the Execution thereof, and shall be liable to the same Punishment for Disobedience, or for interrupting the Execution of such Order, as if the Order had been made under the Authority of any such Act as aforesaid; and every Person so ordered to be transported shall be subject to every Provision made by Law and in force concerning Persons convicted of any Crime and under Sentence of Transportation; and from the Time when such Order of Transportation shall be made every Act in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding and abetting, contriving or assisting in any Escape or intended Escape or returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before whom he was convicted, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and Sentence of such Offender, and also of the Terms on which such Order for his Transportation was given in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

XXIV. And

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XXIV. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station, or in his Absence by the Adjutant General for the Time being, to some Judge of one of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice, or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender, in like Manner as for the Transportation or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of such Presidency or Colony, who, on Receipt of such Notification, shall cause such Offender to be removed to some Colony or Place in obedience to the Directions for the Removal of Convicts, which shall from Time to Time be transmitted from Her Majesty through one of Her Principal Secretaries of State to such Presidency or Colony; and such Offender on being so removed shall undergo the Sentence of Transportation which has been passed upon him in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned and kept to hard Labour, and otherwise dealt with under such Sentence in the same Manner as if he had been sentenced to be imprisoned, with hard Labour, during the Term of his Transportation, by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent. In the Colonies.

XXV. And be it enacted, That any Court-martial may sentence any Soldier to Corporal Punishment not extending to Life or Limb for Immorality, Misbehaviour, or Neglect of Duty; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes. Power to inflict Corporal Punishment.

XXVI. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without hard Labour. Power to inflict Corporal Punishment and Imprisonment.

XXVII. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded Power to commute Corporal Punishment

by any Court-martial it shall be lawful for Her Majesty, or for the General or other Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Forty-two Days; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Forfeiture of Pay and Pension by Sentence of Court-martial.

XXVIII. And be it enacted, That any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service or might accrue from future Service, according to the Nature of the Case; and that any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, with Intent to render himself or such other Soldier unfit for Service:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Stores, or in receiving them knowing them to have been stolen:

In stealing any Money or Goods, the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying public Money intrusted to him:

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military:

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

XXIX. And

*Mutiny.*

XXIX. And be it enacted, That every Soldier who shall be found guilty of Desertion by a Court-martial, such Finding having been duly approved, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXX. And be it enacted, That if any Non-commissioned Officer or Soldier by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or being an Apprentice by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement or Prolongation of Service as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged, and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in arrest for Debt; and that when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under, or in some Manner aided the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and that any Soldier who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion or

Forfeiture of Pay when in Confinement under Sentence;

or during Absence on Commitment under a Charge, or in arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion, or of Absence without Leave;

or when absent without Leave, not exceeding Five Days.

or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Soldier shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without hard Labour, or with or without solitary Confinement, as the said Commanding Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited; provided that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid; provided also, that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence instead of submitting to such Imprisonment or Forfeiture; provided that it shall be lawful for Her Majesty's Secretary at War to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Soldier during the Period of Absence by any of the Causes aforesaid.

Forfeiture of Pay for Drunkenness on Duty.

XXXI. And be it enacted, That any Court-martial may sentence any Soldier for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXII. And be it enacted, That any General, Garrison, or District Court-martial, before which any Soldier shall be convicted of habitual Drunkenness, shall, in addition to any other Punishment which such Court is competent to award, deprive such Soldier of such Portion of his Pay, for such Period, not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; and after any other Punishment which the Court may award, every Regimental or Detachment Court-martial shall deprive a

Soldier, convicted of a Charge of habitual Drunkenness, of such Portion of his additional or regular Pay, for such Period, not exceeding Six Months, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War, subject to Restoration on subsequent good Conduct; provided that a Soldier so sentenced to the Forfeiture of Pay, who shall be quartered at or removed to a Station where Liquor forms Part of his Ration and is issued in Kind, shall be deprived of his Liquor in Kind instead of being deprived of One Penny of his daily Pay for so long a Time as he shall remain at such Station, and such Sentence of Forfeiture of Pay shall remain in force.

Stoppages.

XXXIII. And be it enacted, That, in addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified:

Any Loss or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss or Destruction of, or Damage or Injury to, his Horse or to the Horse of any other Soldier, or any Loss or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, or any Loss or Destruction of, or Damage or Injury to, the Arms, Clothing, Instruments, Accoutrements, or Regimental Necessaries of any other Soldier, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of Accoutrements and Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage, or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

Discharge with Ignominy.

XXXIV. And be it enacted, That whenever any Soldier shall have been convicted of any such disgraceful Conduct, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Soldier, such

Court may further recommend that he be discharged with Ignominy from Her Majesty's Service.

Marking Deserters.

XXXV. And be it enacted, That on the first and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder, or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

XXXVI. And be it enacted, That a General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Soldier may be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of solitary Confinement; provided that when any Court-martial, whether General, Garrison or District or Regimental, shall direct that the Imprisonment shall be solitary only, the Periods shall in no Case exceed Fourteen Days.

Imprisonment of Offenders already under Sentence for previous Offence.

XXXVII. And be it enacted, That whenever Sentence shall be passed by a Court-martial on a Person already imprisoned under Sentence of a Court-martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced, and where such Person shall be already under Sentence, either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence to commence at the Expiration of the Imprisonment or Transportation to which such Persons shall have been previously sentenced, although the aggregate of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

XXXVIII. And

XXXVIII. And be it enacted, That, save as herein-before specially provided, every Term of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of General Courts-martial shall be appointed by the Officer commanding the District, Garrison, Island, or Colony, and under the Sentence of any other Court-martial shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached.

Term and Place of Imprisonment.

XXXIX. And be it enacted, That it shall be lawful for the Secretary at War to set apart any Buildings now erected or which may hereafter be erected, or any Part or Parts thereof, as Military Prisons, and to declare that any Building, or any Two or more separate and detached Buildings, shall be, and thenceforth such Building or Buildings shall be deemed and taken to be, a Military Prison; and every Military Prison, whether the same now exist or may hereafter be established, which shall be, or which under the Provisions of any former Act of Parliament have been, so as aforesaid set apart or declared, shall be deemed to be a public Prison within the Meaning of this Act; and all and every the Powers and Authorities with respect to County Gaols or Houses of Correction which now are or which may hereafter be vested in any of Her Majesty's Principal Secretaries of State shall, with respect to all such Military Prisons, belong to and may be exercised by the Secretary at War; and it shall be lawful for the Secretary at War from Time to Time to make, alter, and repeal Rules and Regulations for the Government and Superintendence of any such Military Prison, and of the Governor, Provost Marshal, Officers, and Servants thereof, and of Offenders confined therein; and it shall be lawful for the Secretary at War from Time to Time to appoint an Inspector General and Inspectors of Military Prisons, and a Governor or Provost Marshal, and all other necessary Officers and Servants for any such Military Prison, and, as Occasion may arise, to remove the Governor or Provost Marshal, Officer or Servant of any such Military Prison, and the General or other Officer commanding any District or Foreign Station within which may be any such Military Prison, or such General or other Officer, and such other Person and Persons as the Secretary at War may from Time to Time appoint, shall be a Visitor or Visitors of such Prison; and the Secretary at War may authorize any General Officer commanding on a Foreign Station to appoint periodically Visitors to any Military Prison within his Command; and

Military Prisons.

and the Secretary at War shall transmit to the Visitor or Visitors of every Military Prison established by his Authority a Copy of the Rules and Regulations which are to be observed and enforced, and the same shall accordingly be observed and enforced within such Prison; and every Inspector, Visitor, and Governor of any such Military Prison respectively shall, subject to such Rules and Regulations as may from Time to Time be made by the Secretary at War, have and exercise in respect of such Prison, and of the Governors, Officers, and Servants thereof, and of the Prisoners confined therein, all the Powers and Authorities, as well in respect of administering Oaths as otherwise, which any Inspector, Visiting Justice, or Governor of a County Gaol or House of Correction may respectively exercise as such.

Custody of Prisoners under Military Sentence in Common Gaols.

XL. And be it enacted, That every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison or of any Gaol or House of Correction in any Part of Her Majesty's Dominions shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without hard Labour, and with or without solitary Confinement, according to the Sentence of the Court and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose; and whenever Troops are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Soldier, for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing on that Behalf from the Officer commanding such Troops.

Proviso for Removal of Prisoners.

XLI. And be it enacted, That in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison other than the Military Prisons set apart by the Authority of this Act, or in any Gaol or House of Correction in any Part of Her Majesty's Dominions, it shall be lawful for the Officer who confirmed the Proceedings of the Court, or for the Officer commanding the District, Garrison, Island, or Colony, to



give

give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial; and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be; provided also, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Their Subsistence in Common Gaols.

XLII. And be it enacted, That the Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Soldier imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Soldier, during the Period of his Imprisonment, Sixpence *per Diem*, which the Secretary at War shall cause to be issued out of the Subsistence of such Soldier, upon Application in Writing signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

Expiration of Imprisonment in Common Gaols.

XLIII. And be it enacted, That every Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know, that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve Her Majesty on the Expiration of his Imprisonment, shall give, if in *Great Britain*, to the Secretary at War, and if in *Ireland* to the General commanding Her Majesty's Forces in *Ireland*, One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice then the longest practicable Notice thereof.

Musters and Punishment for false Musters.

XLIV. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in Her Majesty's Service, twice at least in every Year, at such Times as shall be appointed; and no Soldier shall be absent from such Musters unless properly certified to be employed on some other Duty of the Regiment, or to be sick,

or in Prison, or on Furlough; and every Officer who shall make any false or untrue Muster of Man or Horse, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, upon Proof thereof upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have or hold any Civil or Military Office or Employment within the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service.

Trials for Desertion after subsequent Re-enlistment.

XLV. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted; and whether such Soldier shall be tried for deserting from the Corps into which he originally enlisted, or for deserting from the same Corps into which he may have subsequently enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may be so tried may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters in the United Kingdom.

XLVI. And be it enacted, That upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with then it shall be lawful for any Officer or Soldier in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough; and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses, taken upon Oath, or by the Confession of such suspected Person, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice that there are reasonable Grounds for believing, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Regiment to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison set apart under the Authority of this Act), whether such Prison be in the County or Borough in which such suspected Person

was

was apprehended or in which he was committed or not; or if the Deserter shall have been apprehended by a Party of Soldiers of his own Regiment in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary to have the Deserter committed to Prison for safe Custody; and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary at War, specifying therein whether such Deserter was delivered to his Regiment or to the Party of his Regiment in order for his being taken to the Head Quarters or Depôt of his Regiment, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the Office of the said Secretary at War, and proceeded against according to Law; and such Justice shall also send to the Secretary at War a Report, stating the Names of the Persons by whom the Deserter was apprehended and secured; and the Secretary at War shall transmit to such Justice an Order for the Payment to such Persons of such Sum not exceeding Forty Shillings as the Secretary at War shall be satisfied they are entitled to, according to the true Intent and Meaning of this Act; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall immediately upon the Receipt of the Person so charged into his Custody pay such Fee of Two Shillings, and also upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary at War, and transmit also to the Secretary at War a Copy of the Commitment, to the end that such Secretary at War may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies the Justice shall forthwith cause him to be conveyed to some public Prison, if the Regiment to which he is suspected to belong shall not be in the Colony, or, if the Regiment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Regiment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the General or other Officer commanding in the Colony a Description Return in the Form prescribed, to the end that such Person may be removed by Order of such Officer, and proceeded against according to Law.

In the Colonies.

XLVII. And be it enacted, That every Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction,

Temporary Custody of Deserters in Gaols.

rection, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Soldier conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Office of the Secretary at War, which Order shall continue in force until the Deserter shall have arrived at his Destination; and such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by Her Majesty's Regulations.

Desertion of Recruits.

XLVIII. And be it enacted, That any Recruit who shall desert prior to joining the Regiment for which he has enlisted shall, on being apprehended, and committed for such Desertion by any Justice of the Peace upon the Testimony of One or more Witnesses upon Oath, or upon his own Confession, be liable to be transferred to any Regiment or Depôt nearest to the Place where he shall have been apprehended, or to any other Regiment to which Her Majesty may deem it more desirable that he should be transferred: Provided always, that all Cavalry Recruits so committed for Desertion shall be transferred to Cavalry Regiments, and Infantry Recruits to Infantry Regiments; and that such Deserters thus transferred shall not be liable to other Punishment for the Offence, or to any other Penalty, except the Forfeiture of their personal Bounty, reserving only for them that Part of the Bounty which is applicable to and required for the Provision of Necessaries.

Fraudulent Confession of Desertion.

XLIX. And be it enacted, That any Person who shall voluntarily deliver himself up and confess himself to be a Deserter from Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, or who, while serving in any of Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, shall to any Officer or Non-commissioned Officer thereof confess himself to be a Deserter as aforesaid, or who, upon being apprehended for any Offence, shall, in the Presence of the Justice, confess himself to be a Deserter as aforesaid, shall be deemed to have duly enlisted and to be a Soldier, and shall be liable to serve in any of Her Majesty's Forces, as Her Majesty shall think fit to appoint, whether such Person shall have been actually enlisted as a Soldier or not; or in case such Person shall not be a Deserter as aforesaid, he shall be liable to be taken before Two Justices of the Peace, and, on Proof that any such Confession as aforesaid was false, shall by them be adjudged to be punished, if in *England*, as a

Rogue and Vagabond, and if in *Scotland* or *Ireland* by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England* of an Act passed in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for amending and consolidating the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or shall be deemed guilty, if in *Scotland*, of Falsehood, Fraud, and wilful Imposition; and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, as the Case may be, shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Soldier by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, as the Case may be, and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished, in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, or for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction for the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Records of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the first Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in any of Her Majesty's Forces, he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

Extension of Furlough in case of Sickness.

L. And be it enacted, That when there shall not be any Military Officer of Rank not inferior to Captain, or any Adjutant of Regular Militia, within convenient Distance of the Place where any Non-commissioned Officer or Soldier on Furlough shall be detained by Sickness or other Casualty rendering necessary any Extension of such Furlough, it shall be lawful for any Justice who shall be satisfied of such Necessity to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall by Letter immediately certify such Extension and the Cause thereof to the Commanding Officer of the Corps or Detachment to which such Non-commissioned Officer or Soldier belongs, if known, and if not, then to the Agent of the Regiment, in order that the proper Sum may be remitted to such Non-commissioned Officer or Soldier, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter; provided that nothing herein contained shall be construed to exempt any Soldier from Trial and Punishment, according to the Provisions of this Act, for any false Representation made by him in that Behalf to the said Justice, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

No Person acquitted or convicted by the Civil Magistrate, or by a Jury, to be tried by Court-martial for the same Offence.

LI. And be it enacted, That no Person having been acquitted or convicted of any Crime or Offence by the Civil Magistrate, or by the Verdict of a Jury, shall be liable to be again tried for the same Crime or Offence by a Court-martial, or punished for the same, otherwise than by cashiering; and that whenever any Officer or Soldier shall have been tried by any Court of ordinary Criminal Jurisdiction, the Clerk of such Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier shall belong, transmit to him a Certificate, containing the Substance and Effect only of the Indictment, omitting the formal Part, and containing also a Copy of the Entry of the Judgment of the Court thereon if such Officer or Soldier shall have been convicted, or of the Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of Three Shillings.

Soldiers not to be taken for Debts under 30*l.*

LII. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Soldier shall be liable to be arrested or taken therefrom, by reason of the Warrant of any Justice or other Process, for not supporting, or for leaving chargeable on any Parish, Township, or Union, any Wife or any Child or Children, legitimate or illegitimate, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Soldier or serving as a Non-commissioned Officer

or

or Drummer on the permanent Staff of the disembodied Militia shall be liable to be taken out of Her Majesty's Service by any Process, Order, or Execution issued out of or from any County or inferior Court, or by any Judge or Officer thereof, either for Contempt of Court or otherwise, or by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier, or by his Superior Officer, and by Warrant under his Hand discharge such Soldier without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters or Place of Residence before such Listing, may file a common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

Officers not liable to take Parish Apprentices.

LIII. And be it enacted, That no Officer of Her Majesty's Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

LIV. And be it enacted, That no Person who shall be commissioned and in Full Pay as an Officer shall be capable of being nominated or elected to be Sheriff of any County or other Place, or to be Mayor, Portreeve, Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*.

Enlisting and swearing of Recruits.

LV. And be it enacted, That every Person who shall receive Enlisting Money, knowing it to be such, from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, an attested Soldier, or an Out-Pensioner of *Chelsea* Hospital authorized to enlist Recruits, shall be deemed to be enlisted as a Soldier in Her Majesty's Service, and while he shall remain with the Recruiting

Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall within Twelve Hours after the Receipt of the Enlisting Money cause to be taken down in Writing the Name and Place of Abode of such Recruit, and (if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist) the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight but not sooner than Twenty-four Hours (any intervening *Sunday* not included) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Soldier in Her Majesty's Land Service he shall, within Four Days (any intervening *Sunday* not included) but not sooner than Twenty-four Hours after such enlisting, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before any Justice or other Magistrate residing in the Vicinity of the Place where such Person shall have enlisted, or before any Justice or other Magistrate acting for the Division, District, or Place where such Recruit shall have been enlisted, and not being an Officer in the Army; and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, and in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit, the Fortieth and Forty-sixth Articles of the Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed, or for Service in the Forces of the *East India* Company, as may be applicable to the Case of the Recruit, and no other Oaths; and the Fee for administering each Oath shall be One Shilling and no more; and the said Justice is hereby required to give under his Hand the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LVI. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit

Recruit subsequent to the Period of his having been enlisted, shall be forthwith discharged and set at liberty in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice: Provided also, that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Four Days as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice, upon Proof to his Satisfaction, that the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling as the Fee to his Clerk for reporting the Payment to the Secretary at War shall be paid to any Person belonging to the Recruiting Party entitled thereto demanding the same; provided that no Recruit who has been actually, though erroneously, discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment, shall be liable on that account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give a Certificate thereof, signed with his Hand, to the Recruit, specifying the Cause thereof.

Offences connected with Enlistment.

LVII. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before such Justice, or shall thereafter absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Soldier in Her Majesty's Service as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in

every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to Her Majesty's Secretary at War, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before he be finally adjudged to be a Deserter; and any Recruit who shall enlist into Her Majesty's Forces, and who shall be discovered to be incapable of active Service by reason of any Infirmity concealed or not declared by such Recruit before the Justice at the Time of his Attestation, may be transferred to any Garrison or Veteran or Invalid Battalion or Company, or into Her Majesty's Marine Forces, notwithstanding he shall have enlisted for any particular Regiment, and shall be entitled to receive such Proportion or Residue of Bounty only as Her Majesty may allow in that Behalf, instead of the Bounty upon which such Man shall have been enlisted, anything in any Act or Acts, or any Rules and Regulations relating to Soldiers, to the contrary notwithstanding; and it shall be lawful for any Two Justices acting for the County, District, City, Burgh, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his having been a Soldier and discharged, or to have concealed his having been discharged upon any prior Enlistment, or to have wilfully concealed any such Infirmity, or to have designedly made any false Representation upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law in force may be inflicted upon Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed, before the Justice, at the Time of his Attestation, and shall obtain any Enlisting Money or Bounty for entering into Her Majesty's Service or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Seventh and Eighth Years of His

Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition, and any such Recruit shall be tried for any such Offence in any County or Place where he may at any Time happen to be; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his being attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Ordnance, Navy, or Marines, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary at War by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon Oath of One Witness or upon his own Confession, or upon the Production of the Attestation, and the before-mentioned Acknowledgment of such Person, certified by the Secretary at War or Deputy Secretary at War, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Soldier to the Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, into which he shall have so enlisted; provided that every such Person shall be liable to serve within the United Kingdom of *Great Britain* and *Ireland* in any Regiment, Battalion, or Corps of Her Majesty's Regular Forces, or of the *East India* Company's Forces, in which he has so enlisted, during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and liable

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

liable to be apprehended and dealt with and punished as a Deserter from the Corps in which he shall have so enlisted, if he shall neglect or refuse to join and serve in such Corps as aforesaid.

Punishment of Officers offending against Laws regarding Enlistment.

LVIII. And be it enacted, That every Military Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service or for the Service of the *East India* Company, shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Enlistment and Re-enlistment abroad.

LIX. And whereas it is expedient that Provision should be made for enlisting and attesting of Soldiers desirous of re-enlisting and others desirous of enlisting abroad: Be it therefore enacted, That it shall be lawful for Her Majesty, by any Warrant signed by the Secretary at War in that Behalf, to authorize the Governors of Colonies, and of the several Presidencies in *India*, to appoint any Person, not being a General Officer nor holding any Regimental Commission, to enlist and attest, out of *Great Britain* or *Ireland*, any Soldiers or Persons desirous of enlisting or re-enlisting into Her Majesty's Service; and any Person so appointed shall have the same Powers in that Behalf as are given to Justices in the United Kingdom for all such Purposes of Enlistment and Attestation; and any Person so enlisted or re-enlisted shall be deemed to be an attested Soldier; and as often as any Corps shall be relieved or disbanded at any Station beyond the Seas it shall be lawful for any Officers thereunto authorized by the Officer commanding in chief at such Station to receive as Transfers as many of the Soldiers belonging to the Corps leaving the Station as shall be willing and fit for Service for any Corps appointed to remain; and every Soldier so transferred is hereby deemed to be discharged from his former Corps, and an attested Certificate of Transfer shall be delivered to the Soldier; and every Infantry Soldier consenting to be transferred to the Cavalry or Artillery shall upon such Transfer become liable to serve the limited Period prescribed for the Cavalry or Artillery, as the Case may be, notwithstanding his original Engagement to serve in the Infantry for a shorter Period.

Enlistment of Negroes.

LX. And be it enacted, That all Negroes or Persons of Colour who, although not born in any of Her Majesty's Colonies, Territories, or Possessions, shall have voluntarily enlisted into Her Majesty's Service, shall while serving be deemed to be Soldiers legally enlisted into Her Majesty's Service, and entitled to all the Privileges of natural-born Subjects; and all Negroes purchased by or on account of Her Majesty, previous to the total Abolition of Slavery throughout the *British* Colonies, and serving in any of Her Majesty's Forces, and all

all Negroes who have been seized and condemned as Prize under the Slave Trade Acts, and appointed to serve in Her Majesty's Army, shall be deemed to be and shall be entitled to all the Advantages of Negroes or Persons of Colour voluntarily enlisted to serve as Soldiers in any of Her Majesty's Colonial Forces.

Apprentice enlisting to be liable to serve after the Expiration of his Apprenticeship.

LXI. And be it enacted, That any Person duly bound as an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition, if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been so convicted and punished or not, be liable to serve as a Soldier in any of Her Majesty's Regular Forces, or in the Forces of the *East India* Company, according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Forces.

Claims of Masters to Apprentices.

LXII. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Soldier in Her Majesty's or the *East India* Company's Service, unless he shall, within One Calendar Month after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and produce the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed, and unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, not having been above the Age of Fourteen when so bound, and, if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, not having been above the Age of Sixteen when so bound, and, if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship, and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate

or Declaration such Justice of the Peace is hereby required to endorse and sign, and unless such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; provided also, that any Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive to his own Use so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

Punishment of Apprentices enlisting.

LXIII. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Corps or Recruiting Party but under a Warrant of a Justice residing near, and within whose Jurisdiction such Apprentice shall then happen to be, before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath, which Oath he is hereby empowered to administer, and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture, with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender, in *Scotland*, may be tried by the Judge Ordinary in the County or Stewartry, in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; provided that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

Wages of Servants enlisting.

LXIV. And be it enacted, That it shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order

Order for the Payment of the Amount so awarded, and in case of Neglect or Refusal to pay the same within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Removal of Doubts as to Attestation of Soldiers.

LXV. And whereas certain Soldiers who have heretofore been duly enlisted, and who have voluntarily taken the Oath of Allegiance and Fidelity, and are now receiving Her Majesty's Pay, have been sworn and attested, but Doubts have arisen whether the Justices before whom the said Soldiers have been so sworn and attested were duly qualified to administer to such Soldiers the Oaths prescribed by the several Acts passed for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters: Be it enacted, That in every Case where any such Soldier, having been duly enlisted, shall have been so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed during the last Session of Parliament for the punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes and in like Manner as if he had been duly attested and sworn.

Authorized Deductions only to be made from the Pay of the Army.

LXVI. And be it enacted, That no Secretary at War, Paymaster General of the Army, Paymaster, or any other Officer whatsoever, or their under Officers, shall receive any Fees or make any Deductions whatsoever out of the Pay of any Officer or Soldier in Her Majesty's Army, or from their Agents, which shall grow due from and after the Twenty-fifth Day of *April* One thousand eight hundred and forty-nine, other than the usual Deductions, or such other necessary Deductions as shall from Time to Time be required by Her Majesty's Regulations, or by Her Majesty's Order signified by the Secretary at War; and every Paymaster or other Officer having received any Officer's or Soldier's Pay who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the several Regulations established by Her Majesty's Orders, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One hundred Pounds, and the Informer, if a Soldier, if he demand it, shall be discharged from any further Service; provided as aforesaid that it shall be lawful for Her Majesty's Secretary at War to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall

shall be absent without Leave, or improperly absent from his Corps and from his Duty, or, in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until Her Majesty's Orders shall have been signified by the Secretary at War.

How and where Troops may be billeted.

LXVII. And whereas by Petition of Right in the Third Year of King *Charles* the First it is enacted and declared, that the People of the Land are not by the Laws to be burdened with the sojourning of Soldiers against their Wills; and by a Clause in an Act of the Parliament of *England*, made in the Thirty-first Year of the Reign of King *Charles* the Second, for granting a Supply to His Majesty of Two hundred and six thousand four hundred and sixty-two Pounds Seventeen Shillings and Three-pence, for paying and disbanding the Forces, it is declared and enacted, that no Officer, Civil or Military, nor other Person whosoever, should thenceforth presume to place, quarter, or billet any Soldier upon any Subject or Inhabitant of this Realm, of any Degree, Quality, or Profession whatsoever, without his Consent, and that it shall be lawful for any Subject or Inhabitant to refuse to quarter any Soldier, notwithstanding any Warrant or Billeting whatsoever: And whereas by an Act passed in *Ireland* in the Sixth Year of the Reign of Queen *Anne*, intituled *An Act to prevent the Disorders that may happen by the marching of Soldiers, and providing Carriages for the Baggage of Soldiers on their March*, it was enacted, that no Officer, Soldier, or Trooper in the Army, nor the Servant of any Officer, nor any Attendant on the Train of Artillery, should at any Time thereafter be allowed any Quarters in any Part of *Ireland*, save only during such Time as he or they should be and remain in some Seaport Town in order to be transported, or during such Time as there should be any Commotion in any Part of *Ireland*, by reason of which Emergency the Army should be commanded to march from any Part of *Ireland* to another: But forasmuch as at this Time, during the Continuance of this Act, there is and may be Occasion for the marching and quartering of Regiments, Troops, and Companies in several Parts of the United Kingdom of *Great Britain* and *Ireland*, be it enacted, That it shall be lawful for all Constables of Parishes and Places, and other Persons specified in this Act, in *England* and *Ireland*, and they are hereby required, to billet the Officers and Soldiers in Her Majesty's Service and Persons receiving Pay in Her Majesty's Army, and the Horses belonging to Her Majesty's Cavalry, and also all Staff and Field Officers Horses, and all Bât and Baggage Horses belonging to any of Her Majesty's other Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other

6 Anne (I.)

Houses specified in this Act (taking care in *Ireland* not to billet less than Two Men in One House, except only in case of billeting Cavalry as specially provided); and that they shall be received by the Occupiers of such Houses in which they are so allowed to be billeted, and be furnished by such Victuallers with proper Accommodation in such Houses, or if any Victualler shall not have sufficient Accommodation in the House upon which a Soldier is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay, and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Troops are on a March shall any of them, whether Infantry or Cavalry, be billeted above One Mile from the Place mentioned in the Route; and in all Places where Cavalry shall be billeted in pursuance of this Act, the Men and their Horses shall be billeted in one and the same House, except in case of Necessity; and in no other Case whatsoever shall there be less than One Man billeted where there shall be One or Two Horses, nor less than Two Men where there shall be Four Horses, and so in proportion for a greater Number; and in no Case shall a Man and his Horse be billeted at a greater Distance from each other than One hundred Yards; and the Constables are hereby required to billet all Soldiers and their Horses on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were locally situate within such Place; provided that nothing herein contained shall be construed to extend to authorize any Constable to billet Soldiers out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Soldiers and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present; and if any Person shall find himself aggrieved by having an undue Proportion of Soldiers billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice to One or more Justices, and if against a Justice then to Two or more Justices within whose Jurisdiction such Soldiers are billeted, such Justices respectively shall have Power to order such of the Soldiers to be removed, and to be billeted upon other Persons, as they shall see Cause; and when any of Her Majesty's Cavalry or any Horses as aforesaid shall be billeted upon the Occupiers of Houses in which Officers or Soldiers may be

quartered by virtue of this Act who shall have no Stables, then and in such Case, upon the written Requisition of the Commanding Officer of the Regiment, Troop, or Detachment, the Constable is hereby required to billet the Men and their Horses, or Horses only, upon some other Person or Persons who have Stables by this Act liable to have Officers and Soldiers billeted upon them; and upon Complaint being made by the Person or Persons to whose House or Stables the said Men and Horses shall have been so removed to Two or more Justices within whose Jurisdiction such Men or Horses shall be so billeted, it shall be lawful for such Justices to order a proper Allowance to be paid by the Person relieved to the Persons receiving such Men and Horses, or to be applied in furnishing the requisite Accommodation; and Commanding Officers may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Soldiers requiring Billets, to extend any Routes or enlarge the Districts within which Billets shall be required, in such Manner as shall appear to be most convenient to the Troops; provided that, to prevent or punish all Abuses in billeting Soldiers, it shall be lawful for any Justice within his Jurisdiction, by Warrant or Order under his Hand, to require any Constable to give him an Account in Writing of the Number of Officers and Soldiers who shall be quartered by such Constables, together with the Names of the Persons upon whom such Officers and Soldiers are billeted, stating the Street or Place where such Persons dwell, and the Sign, if any, belonging to those Houses; and it shall be lawful for Constables to billet Officers and Soldiers in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England*; and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh*:

Exemptions from Billets.

Provided that no Officer or Soldier shall be billeted in *England* in any private Houses, or in any Canteen held or occupied under the Authority of the Ordnance Department, or upon Persons who keep Taverns only, being Vintners of the City of *London* admitted to their Freedom of the said Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences, nor in the Houses of any Distiller kept for distilling Brandy and Strong Waters, nor in the House of any Storekeeper whose principal Dealing shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit tippling in such Houses

nor in the House of Residence in any Part of the United Kingdom of any Foreign Consul duly accredited as such.

Billeting the Guards in and near Westminster.

LXVIII. And be it enacted, That the Officers and Soldiers of Her Majesty's Foot Guards shall be billeted within the City and Liberties of *Westminster* and Places adjacent, lying in the County of *Middlesex* (except the City of *London*), and in the County of *Surrey*, and in the Borough of *Southwark*, in the same Manner and under the same Regulations as in other Parts of *England*, in all Cases for which particular Provision is not made by this Act; and the High Constable shall, on Receipt of the Order for billeting Soldiers, deliver Precepts to the several Constables within their respective Divisions, in pursuance of which the said Constables shall billet such Officers and Soldiers equally and proportionally on the Houses subjected thereto by this Act; and the said Constables shall at every General Sessions of the Peace to be holden for the said City and Liberties, Counties, and Borough respectively, make and deliver to the Justices then in open Session assembled, upon Oath, which Oath the said Justices are hereby required to administer, Lists, signed by them respectively, of the Houses subject by this Act to receive Officers and Soldiers, together with the Names and Rank of all Officers and Soldiers billeted on each respectively, which Lists shall remain with the respective Clerks of the Peace for the Inspection of all Persons, without Fee or Reward; and such Clerk shall forthwith from Time to Time deliver to any Persons who shall require the same true Copies of any such Lists, upon being paid Two-pence *per* Sheet for the same, each Sheet to contain at the least One hundred and fifty Words.

Military Officers not to act as Justices in billeting.

LXIX. And be it enacted, That no Justice having or executing any Military Office or Commission in any Part of the United Kingdom shall, directly or indirectly, be concerned in the billeting or appointing Quarters for any Soldier in the Regiment, Troop, or Company under the immediate Command of such Justice, but that all Warrants, Acts, or Things so appointed by such Justice for or concerning the same shall be void.

Allowance to Inn-keepers.

LXX. And be it enacted, That the Innholder or other Person on whom any Soldier is billeted in *England* shall, if required by such Soldier, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at the intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previous to being dressed, One Pound of Bread, One Pound of

Potatoes

Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Soldiers may be billeted in *England*, except when on the March and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Soldier with Candles, Vinegar, and Salt, and shall allow them the Use of Fire, and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of One Halfpenny *per Diem* for each Soldier; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Forces shall be billeted in *England*, for Hay and Straw, shall be Nine-pence *per Diem* for each Horse; and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person, for Horses billeted by virtue of this Act, shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland*, when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses on which they are billeted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay for any Officers or Soldiers shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons upon whom such Officers and Soldiers are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same as aforesaid, then upon Complaint, and Oath made thereof by any Two Witnesses, before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situated, sitting in Quarter or Petty Sessions, the Secretary at War is hereby required (upon Certificate of the Justices before whom such Oath was made of the Sum due upon such Accounts, and the Persons to whom the same is owing,) to give Orders to the Regimental Agent to pay the said Sums, and to charge the same against such Officers; and in case of any Soldier being suddenly ordered to march, and that the respective Commanding Officers are not enabled to make Payment of the Sums due for the Lodging of the Men and Stabling for the Horses, every such Officer shall, before his Departure, make up the Account with every Person upon whom such Soldier may have been billeted, and sign a Certificate thereof; which Account and Certificate shall be transmitted to the Agent of the Regiment, who is hereby required to make immediate Payment thereof, and to charge the same to the Account of such Officer.

LXXI. And

*Mutiny.*

LXXI. And be it enacted, That all the Powers and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and all Powers and Provisions relating to the *British* Isles shall be construed to extend to *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*, and all Isles thereto and to *England* and *Ireland* belonging; and all Powers and Provisions relating to Soldiers shall be construed to extend to Non-commissioned Officers, unless when otherwise provided; and all Powers and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions, and to Chief Magistrates of exclusive local Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables in relation to the billeting of Officers and Soldiers, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables and other Chief Officers and Magistrates of Cities, Towns, Villages, Hamlets, Parishes, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other Chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act in relation to billeting; and all Provisions for billeting Officers and Soldiers in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses, or Places thereunto belonging, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland;* and in *Ireland*, when there shall not be found sufficient Room in such Houses, then to billeting Soldiers in such Manner as has been heretofore customary.

Definition of Terms.

Powers and Regulations as to Billets.

LXXII. And be it enacted, That for the regular Provision of Carriages for Her Majesty's Forces, and their Baggage, in their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by an Order from Her Majesty, or the General of Her Forces, or the Master General or Lieutenant General of Her Majesty's Ordnance, or other Person duly authorized in that Behalf, shall, on Production of such Order, or a Copy thereof certified by the Commanding Officer, to such Justices, by some Officer or Non-commissioned Officer of the Regiment so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which the Troop shall be ordered to march, (for each of which Warrants the Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, and Oxen, and Drivers therein mentioned, and allowing sufficient Time to do the same, specifying the Places from

Supply of Carriages.

and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed a Day's March prescribed in the Order of Route, and shall in no Cases exceed Twenty-five Miles; and the Constables receiving such Warrants shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and when sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice near the Place where Troops may be quartered on the March, any Justice residing nearest to such Place may cause a List to be made out once in every Year of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, (which Lists shall at all seasonable Hours be open to the Inspection of the said Persons,) and may by Warrant under his Hand authorize the Constable within his Jurisdiction to give Orders to provide Carriages, without any special Warrant for that Purpose which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation as far as the same can be done.

Rates to be paid for Carriages, and Regulations relating thereto.

LXXIII. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses, carrying not less than Fifteen Hundred Weight, shall travel, Nine pence; and for every Mile any other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Sixpence; and in *Ireland*, for every Hundred Weight, loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total Addition *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, or Sixpence, as may seem reasonable to the Justices assembled at General Sessions for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices or Recorder at Sessions shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, the Period for which the Order shall be enforced not exceeding Ten Days beyond the next General Sessions; and no such

Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and one other Justice, or by the Recorder, shall be transmitted to the Secretary at War within Three Days after the making thereof; and also in *England*, when the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation, not exceeding the usual Rate of Hire fixed by this Act; and when any additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions if fixed by Sessions, and the Warrant shall be given to the Officer commanding as his Voucher; provided that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay the proper Sums into the Hands of the Constables providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay to the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in the Presence of a Justice or Constable; provided that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland* consenting to carry a greater Weight shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance to Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*; provided that a Cart with One or more Horses for which the Furnisher shall receive Nine-pence a Mile shall be required to carry Fifteen Hundred Weight at the least; provided that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses and Oxen, or Weight of Loading of the aforesaid Carriages, which shall not on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Soldiers from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion, out of the licensed Cars and Drays and other Cars

and

and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of the Army on any Pretence whatsoever.

Supply of Carriages in Cases of Emergency.

LXXIV. And be it enacted, That it shall be lawful for Her Majesty, or the Lord Lieutenant or Chief Governors of *Ireland*, by Her or their Order, distinctly stating that a Case of Emergency doth exist, signified by the Secretary at War, or if in *Ireland* by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any General or Field Officer commanding Her Majesty's Forces in any District or Place, or to the Chief Acting Agent for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of Her Majesty or Lord Lieutenant or Chief Governor aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River, as shall be mentioned in the said Warrants, therein specifying the Places and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, or by any Officer of the Commissariat or Ordnance Department, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act, as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages, in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment, according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon, not only the Baggage, Provisions, and Military Stores of such Regiment or Detachment, but also the Officers,

Officers, Soldiers, Servants, Women, Children, and other Persons of and belonging to the same.

LXXV. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the public Stock of the County or Riding, or if such public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Justices empowered to reimburse Constables for Sums expended by them.

LXXVI. And be it enacted, That it shall be lawful for the Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency, for the marching of any of Her Majesty's Forces in *Ireland*, in the Name of such Lord Lieutenant or Chief Governor.

Routes in Ireland.

LXXVII. And be it enacted, That all Her Majesty's Officers and Soldiers, being in proper Staff or Regimental or Military Uniform, Dress or Undress, and their Horses, (but not when passing in any hired or private Vehicle,) and all Recruits, marching by Route, and all Prisoners under Military Escort, and all enrolled Pensioners in Uniform when called out for Training or in aid of the Civil Power, and all Carriages and Horses belonging to Her Majesty or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage or returning therefrom, shall be exempted from Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already passed or hereafter to be passed; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal, from Payment of Tolls, in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein-before enacted.

Tolls.

LXXVIII. And be it enacted, That when any Soldiers on Service have Occasion in their March by Route to pass regular Ferries in *Scotland*, the Officer commanding may at his Option pass over with

Ferries.

 his

his Soldiers as Passengers, and shall pay for himself and each Soldier One Half only of the ordinary Rate payable by single Persons, or may hire the Ferry Boat for himself and his Party, debarring others for that Time, and shall in all such Cases pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXIX. And be it enacted, That every Soldier entitled to his Discharge shall, if then serving abroad, be sent, if he shall so require it, to *Great Britain* or *Ireland* free of Expense, and shall be entitled to receive Marching Money from the Place of his being landed (or, if discharged at home, shall receive Marching Money from the Place of his Discharge) to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment.

Notification to Parishes of good or bad Conduct of Soldiers.

LXXX. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constables or other Officers of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary at War of the Names of any Soldiers belonging to the said Parish who have, for meritorious Conduct in the Army, received Her Majesty's special Approbation, or who, in consequence of Misconduct, have been dismissed Her Majesty's Service with Disgrace, shall affix such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of the said Notification.

Ordinary Course of Criminal Justice not to be interfered with.

Punishment of Officers obstructing Civil Justice.

LXXXI. And be it enacted, That nothing in this Act shall be construed to extend to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and that if any Commanding Officer shall neglect or refuse, on Application being made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command accused of any Crime or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects which is punishable by the well-known Laws of the Land, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command, so accused as aforesaid, such Officer shall, upon Conviction thereof in any of Her Majesty's Superior Courts at *Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be thenceforth utterly disabled to have or hold any Civil or Military Office or Employment in the United Kingdom of *Great Britain* and *Ireland*, or in Her Majesty's Service; and a Certificate thereof, containing the Substance and Effect of the Indictment only, omitting the formal Part,



with

with the Copy of the Entry of the Judgment of the Court thereon, shall be transmitted to the Judge Advocate General in *London*.

Penalty for Disobedience by Agents.

LXXXII. And for enforcing a prompt Observance of the Rules and Orders for the due Appropriation of the Public Funds applicable to Army Services, and in order that a true and regular Account may be kept and rendered by the Agents for the several Corps, be it enacted, That the said Agents are hereby required to observe such Orders as shall from Time to Time be given by Her Majesty under Her Sign Manual, or by the Secretary at War, or by Her Majesty's Chief Governor or Governors of *Ireland*, or by the Lord Treasurer or Commissioners of the Treasury; and if any Person, being or having been an Agent, shall refuse or neglect to comply with such Orders in relation to his Duty as Agent, or shall unlawfully withhold or detain the Pay of any Officer or Soldier after the Space of One Month after the Receipt thereof, he shall for the First Offence forfeit the Sum of One hundred Pounds, and, if still an Agent, for the Second Offence be discharged from his Employment as an Army Agent, and be utterly disabled to have or hold such Employment thereafter, or, if he shall have ceased to be an Army Agent, shall for the Second and every succeeding Offence forfeit the Sum of Two hundred Pounds.

Penalty on trafficking in Commissions.

LXXXIII. And be it enacted, That every Person, not being an authorized Army Agent, who shall negotiate or act as Agent for and in relation to the Purchase, Sale, or Exchange of any Commission in Her Majesty's Forces, shall forfeit for every such Offence the Sum of One hundred Pounds; and every Person, whether authorized or not as an Army Agent, who shall receive any Money or Reward in respect of any such Purchase, Sale, or Exchange, or shall negotiate or receive, for any Purpose whatsoever, any Money or Consideration where no Price is allowed by Her Majesty's Regulations, or any Money or Consideration exceeding the Amount so allowed, shall forfeit One hundred Pounds, and Treble the Value of the Consideration where the Commission is not allowed to be sold, or Treble the Excess of such Consideration beyond the regular Price.

Penalty for procuring false Musters.

LXXXIV. And be it enacted, That every Person not having any Military Commission who shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Fifty Pounds; and any Person who shall falsely be mustered, or offer

offer himself to be mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Oath made by Two Witnesses before some Justice of the Peace residing near the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged.

Penalty on unlawful recruiting.

LXXXV. And be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Line, Embodied Militia, or *East India* Company's Service, or shall open or keep any House, Place of Rendezvous, or Office, or receive any Person therein under such Bill or Advertisement, as connected with the Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Adjutant General, or from the Directors of the *East India* Company, (as the Case may be,) shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty for inducing Soldiers to desert.

LXXXVI. And be it enacted, That any Person who shall in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Soldier to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Soldier to desert, and any Person who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall, on Conviction thereof, be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Penalty for forcible Entry in pursuit of Deserters.

LXXXVII. And be it enacted, That any Officer or Soldier who shall forcibly enter into or break open any Dwelling House or Outhouse, or shall give any Order under which any Dwelling House or Outhouse shall be forcibly entered into or broken open, without a Warrant from One or more Justices of the Peace, shall, on Conviction thereof before Two Justices of the Peace, forfeit a Sum not exceeding Twenty Pounds.

Penalties on aiding Escape or Attempt to escape of Prisoners, and on Breach of Prison Regulations.

LXXXVIII. And be it enacted, That if any Person shall convey or cause to be conveyed into any Military Prison appointed to be a public Prison under this Act any Arms, Tools, or Instruments, or any Mask or other Disguise, to facilitate the Escape of any Prisoner, or shall by any Means whatever aid and assist any Prisoner to escape or in attempting to escape from such Prison, whether an Escape be actually

actually made or not, such Person shall be deemed guilty of Felony, and upon being convicted thereof shall be transported beyond the Seas for any Term not exceeding Fourteen Years; and if any Person shall bring or attempt to bring into such Prison, in contravention of the existing Rules, any spirituous or fermented Liquor, he shall for every such Offence be liable to a Penalty not exceeding Twenty Pounds and not less than Ten Pounds, or to Imprisonment, with or without hard Labour, for any Time not exceeding Three Calendar Months; and if any Person shall bring into such Prison to or for any Prisoner, without the Knowledge of the Governor, any Money, Clothing, Provisions, Tobacco, Letters, Papers, or other Articles not allowed by the Rules of the Prison to be in the Possession of a Prisoner, or shall throw into the said Prison any such Articles, or shall by Desire of any Prisoner, without the Sanction of the Governor, carry out of the Prison any of the Articles aforesaid, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without hard Labour, for any Time not exceeding One Calendar Month; and if any Person shall assault or violently resist any Officer of such Prison in the Execution of his Duty, or shall aid or excite any Person so to assault or resist any such Officer, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds, or to Imprisonment, either with or without hard Labour, for any Time not exceeding One Calendar Month, or, if the Offender be a Soldier already under Sentence of Imprisonment, he shall, upon Conviction thereof by a Board of not less than Three of the Visitors of the Prison, be liable to be sentenced for every such Offence to be imprisoned, either with or without hard Labour, for any Time not exceeding Six Calendar Months, in addition to so much of the Time for which he was originally sentenced as may then be unexpired; and all the Provisions of any Act or Acts of Parliament for the Regulation or better ordering of Gaols, Houses of Correction, or Prisons in *England* and *Wales* shall be deemed to apply to all Military Prisons, so far as any Provision relates to such Offences; and it shall be lawful for the Governor, Provost Marshal, Officer, or Servant of any Military Prison to use and exercise all the Powers and Authorities given by any such Act to the Gaoler, Keeper, or Turnkey of any Prison, or to his or their Assistants, to apprehend, or to cause Offenders to be apprehended, in order to their being taken before a Justice or Justices of the Peace; and all the Powers and Authorities given by such Act to any Justice or Justices of the Peace to convict Offenders in any of the above Cases, together with the Forms of Convictions contained in any such Act, shall be applicable to the like Offences when committed in respect of Military Prisons; and all the Provisions contained in any such Act relating to Suits and Actions prosecuted against any Person for anything done in

**Certain Provisions of Gaol Acts to apply to Military Prisons.**

pursuance of such Act shall be deemed to apply to all Suits and Actions prosecuted against any Person acting in pursuance of such Act in respect of Military Prisons.

Penalty on Keepers of Prisons for refusing to confine, &c. Military Offenders.

LXXXIX. And be it enacted, That any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine or to discharge or deliver over any Military Offender in the Manner herein-before prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

XC. And be it enacted, That any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses belonging to Her Majesty's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage as aforesaid, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall in addition to such Forfeiture be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath before a Justice of the Peace, or Person exercising like Authority according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable

Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, on or with respect to which any such Offence shall have been committed, the Justice may grant a Warrant to search for such Property, as in the Case of stolen Goods; and if upon Search any such Property shall be found, the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law: Provided always, that it shall be lawful for the Legislature of each or of any of Her Majesty's Colonies, on the Recommendation of the Officer for the Time being administering the Government of any such Colony, but not otherwise, to make Provision by Law for reducing such pecuniary Penalty, if not exceeding Twenty Pounds, to such Amount as may to any such Legislature appear to be better adapted to the Ability and pecuniary Means of Her Majesty's Subjects and others inhabiting the same, which reduced Penalty shall be sued for and recovered in such and the same Manner as the full Penalty hereby imposed: Provided always, that it shall be competent to Her Majesty, or to the Person administering the Government of any such Colony on Her Majesty's Behalf, to exercise, in respect of the Laws so to be passed as aforesaid, all such Powers and Authorities as are by Law vested in Her Majesty or in any such Officer as aforesaid in respect of any other Law made or enacted by any such Colonial Legislature.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages

XCI. And be it enacted, That if any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Soldiers in any Part of the United Kingdom shall presume to billet any such Officer or Soldier in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Soldier on Duty, when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Troops; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving such Officer or Soldier; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officers or Soldiers, in any such Houses, against the Consent of the Occupiers; or shall neglect or refuse to execute such Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall do any Act or Thing

Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Constable shall neglect to deliver in to the Justices at Quarter Sessions Lists of Officers and Soldiers of the Foot Guards quartered according to the Provisions of this Act, or shall cause to be delivered defective Lists of the same; or if any Person liable by this Act to have any Officer or Soldier quartered upon him shall refuse to receive and to afford proper Accommodation or Diet in the House in which such Officer or Soldier is quartered, and to furnish the several Things directed to be furnished to Officers and Soldiers, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw, for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse; or if any Innkeeper or Victualler not having good and sufficient Stables shall refuse to pay over to the Person or Persons who may provide Stabling such Allowance by way of Compensation as shall be directed by any Justice of the Peace, or shall pay any Sum or Sums of Money to any Soldier on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Soldier is entitled, or if any Toll Collector shall demand and receive Toll from any of Her Majesty's Officers or Soldiers, they being in proper Staff or Regimental or Military Uniform, Dress or Undress, or for their Horses, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or from any enrolled Pensioners in Uniform, when called out for Training or in aid of the Civil Power, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service under the Provisions of this Act, when conveying Persons or Baggage or returning therefrom, every such Constable, Victualler, Toll Keeper, or other Person respectively shall forfeit for every such Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

**Penalties upon the Military so offending.**

XCII. And be it enacted, That if any Military Officer shall take upon himself to quarter Soldiers otherwise than is limited and allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Mayors, Constables, or other Civil Officers, tending to deter and discourage any of them from performing any Part of their Duty under this Act, or tending to induce any of them to do anything contrary to their said Duty, such Officer shall for every such Offence (being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses) be deemed and taken to be thereupon cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided that a Certificate thereof shall be transmitted by One of the said Justices to the Judge Advocate

Advocate in *London*, who is hereby required to certify the same to the Commander in Chief and Secretary at War, and that the said Conviction be affirmed at some Quarter Sessions of the Peace of the said County held next after the Expiration of Three Months after such Certificate of the Justice shall have been transmitted as aforesaid; and if any Military Officer shall take, or knowingly suffer to be taken, any Money or Reward of any Person for excusing the quartering of Officers or Soldiers, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Soldier, in any House, against the Consent of the Occupier, he shall, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Soldier or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same can be done within reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, such Officer shall forfeit for every Offence any Sum not exceeding Five Pounds nor less than Forty Shillings.

Penalty on killing Game.

XCIII. And for the better Preservation of Game and Fish in or near such Places where any Officers shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish in the United Kingdom of *Great Britain* and *Ireland*, and upon Complaint thereof shall be, upon the Oath of One or more credible Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Form of Actions at Law.

XCIV. And be it enacted, That any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Months, and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discon-

tinuance thereof, or if in *Scotland* such Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants; and every Action against any Person for anything to be done in pursuance of this Act, or against any Member or Minister of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

Recovery of Penalties.

XCV. And be it enacted, That all Offences for which any Penalties and Forfeitures are by this Act imposed, not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, shall and may be determined, and such Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, in every Part of the United Kingdom, by One or more Justice or Justices of the Peace, under the Provisions of an Act passed in the Eleventh and Twelfth Year of the Reign of Her Majesty Queen *Victoria*, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions, within* England *and* Wales, *with respect to summary Convictions and Orders:* Provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* and in *Ireland*, for the Recovery of all such Penalties and Forfeitures, as fully to all Intents as if the said recited Acts had extended to *Scotland* and *Ireland*, anything in the said recited Acts to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures and Forfeiture of Value or Treble Value recovered, before any Justices of the Peace, or Persons exercising like Authority, according to the Laws of the Part of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Sessions in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Parts of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

11 & 12 Vict. c. 43.

XCVI. And

*Mutiny.*

XCVI. And be it enacted, That One Moiety of every Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same, and the Remainder of the Penalty, together with the Treble Value of any Articles, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the General Agent for the Recruiting Service in *London*, to be at the Disposal of the Secretary at War, anything in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days at the farthest, report the same to the Secretary at War.

Appropriation of Penalties.

5 & 6 W. 4. c. 76.

XCVII. And be it enacted, That any Justice in the United Kingdom within whose Jurisdiction any Soldier in the Regular Army, or on the permanent Staff of the Militia, having a Wife or Child, shall be billeted, may summon such Soldier before him in the Place where he is billeted, (which Summons he is hereby directed to obey,) and take his Examination in Writing, upon Oath, touching the Place of his last legal Settlement in *England*, and such Justice shall give an attested Copy of such Examination to the Person examined, to be by him delivered to his commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such last legal Settlement before any Justice or at any General or Quarter Sessions, although such Soldier be dead or absent from the Kingdom; provided that in case any Soldier shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy thereof being produced by him or by any other Person on his Behalf, such Soldier shall not be obliged to take any other Oath with regard to his legal Settlement, but shall leave a Copy of such Examination, or a Copy of such attested Copy of Examination, if required.

Mode of recording a Soldier's Settlement.

XCVIII. And be it enacted, That when any Person shall hold any Canteen under proper Authority of the Board of Ordnance, it shall be lawful for any Two Justices within their respective Jurisdictions to grant or transfer any Beer, Wine, or Spirit Licence to such Persons, without regard to Time of Year or to the Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise, or their proper Officers, within their respective Districts, shall also grant such Licences as aforesaid; and such Persons so holding Canteens, and having such Licences, may sell therein Victuals

Licences of Canteens.

Victuals and Exciseable Liquors, as empowered by such Excise Licence, without being subject to any Penalty or Forfeiture.

Attestation of Accounts.

XCIX. And be it enacted, That all Muster Rolls and Pay Lists which are required to be verified by Declaration shall be so verified before and attested by any Justice without Fee or Reward to himself or to his Clerk.

Commissaries to attest their Accounts.

C. And be it enacted, That all Commissaries upon making up their Accounts, and also upon returning from any Foreign Service, shall make the Declaration described in the Schedule to this Act annexed; which Declaration, if made in any Part of the United Kingdom, shall be made before some Justice, and if made on Foreign Service, before the Officer commanding in chief, or the Second in Command, or the Quarter Master or Deputy Quarter Master General or any Assistant Quarter Master General of the Army to which he shall be attached, who shall respectively have Power to administer and receive the same.

Administration of Oaths.

Perjury.

CI. And be it enacted, That all Oaths and Declarations which are authorized and required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace, or Magistrate acting as such; and that any Person taking a false Oath or Declaration in any Case wherein an Oath or Declaration is required to be taken by this Act shall be deemed guilty of wilful and corrupt Perjury, or of making a false Declaration, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Laws in force any Persons convicted of wilful and corrupt Perjury are subject and liable to.

Offences against former Mutiny Acts and Articles of War.

CII. And be it enacted, That all Crimes and Offences which have been committed against any former Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, or against any of the Articles of War made and established by virtue of the same, may, during the Continuance of this Act, be tried and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force, and all Proceedings of Courts-martial convened and held under any such Warrant shall be continued notwithstanding the Expiration of such Act; provided that no Person shall be liable to be tried or punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not



have

have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

CIII. And be it enacted, That this Act shall be and continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and forty-nine inclusive until the Twenty-fifth Day of *April* One thousand eight hundred and fifty, and shall be and continue in force within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and forty-nine inclusive until the First Day of *May* One thousand eight hundred and fifty; and shall be and continue in force within the Garrison of *Gibraltar*, the *Mediterranean*, and in *Spain* and *Portugal*, from the First Day of *August* One thousand eight hundred and forty-nine inclusive until the First Day of *August* One thousand eight hundred and fifty; and shall be and continue in force in all other Parts of *Europe* where Her Majesty's Forces may be serving, and in the *West Indies* and *America*, from the First Day of *September* One thousand eight hundred and forty-nine inclusive to the First Day of *September* One thousand eight hundred and fifty; and shall be and continue in force within the *Cape of Good Hope*, the *Isle of France* or *Mauritius* and its Dependencies, *Saint Helena*, and the Western Coast of *Africa*, from the First Day of *January* One thousand eight hundred and fifty inclusive until the First Day of *January* One thousand eight hundred and fifty-one; and shall be and continue in force in all other Places from the First Day of *February* One thousand eight hundred and fifty-one inclusive until the First Day of *February* One thousand eight hundred and fifty-two: Provided always, that this Act shall, from and after the Receipt and Promulgation thereof in General Orders in any Part of Her Majesty's Dominions beyond the Seas become and be in full Force, anything herein stated to the contrary notwithstanding. Duration of the Act.

CIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Alteration of the Act.

## SCHEDULES referred to by the foregoing Act.

### Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will duly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Forces, and according to an Act now in force for the Punishment of Mutiny and Desertion, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases: And I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law. So help me GOD.

### Form of Oath of a Judge Advocate.

I do swear, That I will not, upon any account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

### Questions to be put separately by the Justice to a Recruit on enlisting.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?

4. What

*Mutiny.*

4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Regiment of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years* (*as the Case may be*)], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia?
13. Do you belong to any other Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

*Note*—The Justice is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

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*Enlisting for Service in Her Majesty's Colonies.*

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Colony of for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen*

*Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

*Enlisting for either Her Majesty's or the East India Company's Service.*

Question 8. is to be put by the Justice as follows:

8. Are you willing to be attested to serve in Her Majesty's Army, or in the Forces of the East India Company, according as Her Majesty shall think fit to order, for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided your Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

*Enlisting for the East India Company's Service.*

Question 8. to be put by the Justice as follows:

8. Are you willing to be attested to serve the East India Company * for the Term of [*this Blank to be filled up by the Justices with Ten Years for Infantry, and Twelve for Cavalry or Artillery or other Ordnance Corps, if the Person enlisted is of the Age of Eighteen Years or upwards; but if under that Age, then the Difference between his Age and Eighteen is to be added to such Ten or Twelve Years (as the Case may be)*], provided the said Company should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?

* The Blank to be filled up with the Words Infantry or Artillery, as the Case may be.

OATH to be taken by a RECRUIT on ATTESTATION.

I do make Oath, That the above Questions have been separately put to me; that the Answers thereto have been read over to me; and that they are the same that I gave, and are true.

I do

*Mutiny.*

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors, and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs and Successors, in Person, Crown, and Dignity, against all Enemies, and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand,

_____ *Signature of Recruit.*

_____ *Witness present.*

Sworn before me at this
Day of One thousand eight
hundred and
at o'Clock.

*Signature of Justice,* _____

*If enlisting for either Her Majesty's or the East India Company's Service, the following Addition is to be made to the foregoing Oath:*

And that if Her Majesty, Her Heirs or Successors, shall please to appoint me to serve in the Forces of the East India Company, then I swear that I will also be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

*If enlisting for the East India Company's Service, the following is to be added to the Oath:*

And that I also will be true to the said Company, and will duly observe and obey all their Orders, and the Orders of their Generals and Officers who shall be lawfully set over me.

CERTIFICATE to be given by the JUSTICE.

to wit. } I One of Her Majesty's Justices of the Peace of do hereby certify, That in my Presence all the foregoing Questions were put to ; that the Answers written opposite to them are those which he gave to me; and that the Fortieth and Forty-sixth Articles of the Articles of War were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; that he was not attested until Twenty-four Hours had elapsed after he received Enlisting Money; that the Place where he swears that he enlisted is

in the Vicinity of my Residence, or within the Division or District or Place for which I act; that I am not an Officer of the Army, and that I have given him a Duplicate of this Certificate, signed with my Name.

_____ *Signature of Justice.*

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DECLARATION to be made by a SOLDIER renewing his Service.

I Number do declare, That I am at present (*or* was, *as the Case may be,*) in Captain Company in the Regiment; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, [*or* in the Forces of the East India Company, *as the Case may be,*] for a further Term of Years [*to be filled up with Eleven Years in the Infantry, and Twelve in the Cavalry or Artillery or other Ordnance Corps, and, in the Case of a Soldier about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Infantry or Twenty-four in the Cavalry or Artillery or other Ordnance Corps,*] provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me

_____ *Signature of Soldier.*

_____ *Signature of Witness.*

---

FORM of OATH to be taken by a MASTER whose APPRENTICE has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said did on or about the Day of abscond and quit my Service without my Consent; and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and

---

FORM

Form of JUSTICE'S CERTIFICATE to be given to the MASTER of an APPRENTICE.

to wit. } I one of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent, and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

---

FORM of DECLARATION of ATTESTATION of a COMMISSARY'S ACCOUNTS.

I do solemnly and sincerely declare, That I have not applied any Monies or Stores or Supplies under my Care or Distribution to my own Use, or to the private Use of any other Person by way of Loan to such Person or otherwise, or in any Manner applied them, or knowingly permitted them to be applied, to any other than public Purposes, according to the Duty of my Office; and I make this solemn Declaration conscientiously believing the same to be true, and by virtue of the Provisions of an Act passed in the Fifth and Sixth Years of the Reign of His Majesty King William the Fourth, Chapter 62, for the Abolition of unnecessary Oaths, and for substituting Declarations in lieu thereof.

Declared before me by the within-named } this Day of }

*Justice of the Peace of* , or *Commander in Chief or Second in Command, et cætera, the Army serving in et cætera* [*as the Case may be*].

---

*Mutiny.*

No

DESCRIPTION RETURN of committed to Confinement
at on the Day of as a Deserter
from the Regiment of

| | |
|---|---|
| Age | |
| Height | Feet Inches. |
| Complexion | |
| Hair | |
| Eyes | |
| Marks | |
| Probable Date of Enlistment, and where | |
| Probable Date of Desertion, and from what Place | |
| * Name and Occupation and Address of the Person by whom apprehended | |
| * Particulars in the Evidence on which the Prisoner is committed | |
| * Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter | |
| * Whether the Prisoner confessed before the Magistrate that he is a Deserter | |

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he †
a Deserter from the above-mentioned Corps

*Signature and Address of Magistrate*
*Signature of Prisoner.*
*Signature of Informant*

† Insert "is" or "is not," as the Case may be

I certify, that I have inspected the Prisoner, and consider him ‡
for Military Service

*Signature of Military Medical Officer, or of Private Medical Practitioner*

‡ Insert "fit" or "unfit," as the Case may be; and if unfit, state the Cause of Unfitness.

LONDON.
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849

ANNO DUODECIMO

# VICTORIÆ REGINÆ.

***

whereas it is expedient to abolish the Punishment of Transportation for the Offence of Simple Larceny, and for Felonies by the said Acts made punishable like Simple Larceny: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *May* One thousand eight hundred and forty-nine so much of the recited Provisions of the said Acts respectively as makes any Person convicted of Simple Larceny, or of any Felony by such Acts respectively made punishable like Simple Larceny, (except in the Cases therein-after otherwise provided for,) liable to be transported beyond the Seas for the Term of Seven Years, shall be repealed, but every Person so convicted shall be liable, at the Discretion of the Court, to be otherwise punished as by the said Acts respectively is provided.

Punishment of Transportation taken away in the Case of Simple Larceny.

II. Provided always, and be it enacted, That if any Person shall steal any Chattel or Fixture let to be used by him or her in or with any House or Lodging, whether the Contract shall have been entered into by him or her, or by her Husband, or by any Person on behalf of him or her or her Husband, in case the Value of the Article or Articles stolen shall exceed the Sum of Five Pounds, every such Offender, being convicted thereof, shall be liable to be punished as if this Act had not been passed.

Tenants and Lodgers stealing from Houses or Apartments let to them, if the Value exceed 5*l.*, punishable as before the passing of this Act.

III. Provided also, and be it enacted, That where any Person has been twice convicted of any of the Offences punishable upon summary Conviction under the Provisions contained in the said recited Acts, or an Act of the Eleventh Year of Her Majesty, intituled *An Act for the more speedy Trial and Punishment of Juvenile Offenders*, or an Act of the Twelfth Year of Her Majesty, intituled *An Act for the more speedy Trial and Punishment of Juvenile Offenders in* Ireland, or an Act of the Eighth Year of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to malicious Injuries to Property*, or an Act of the Ninth Year of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to malicious Injuries to Property*, (whether each of the Convictions has been in respect of an Offence of the same Description or not, and whether such Convictions, or either of them, be before or after the passing of this Act,) if the Person so twice convicted shall afterwards commit the Offence of Simple Larceny, or any Offence by the said firstly and secondly recited Acts respectively made punishable like Simple Larceny, such Offender, being convicted thereof, shall be liable to be punished as if this Act had not been passed.

Larceny, &c. after Two previous summary Convictions punishable as before the passing of this Act.

10 & 11 Vict. c. 82.

11 & 12 Vict. c. 59.

7 & 8 G. 4. c. 30.

9 G. 4. c. 56.

IV. And be it enacted, That in any Indictment against any Person who shall have been twice convicted of Offences punishable upon summary Conviction as aforesaid it shall be sufficient to state that such Person was at certain Times and Places so twice convicted as aforesaid, without otherwise describing the Offences of which such Person was so convicted as aforesaid, and a Copy of any such Conviction, certified by the proper Officer of the Court of General or Quarter Sessions to which such Conviction shall have been transmitted or returned, or proved to be a true Copy, shall be sufficient Evidence to prove such Conviction, and such Conviction shall be presumed to be unappealed against unless the contrary be shown.

In Indictments against Persons twice convicted it shall be sufficient to state the Fact, and certified Copies of Convictions to be Evidence.

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Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO

# VICTORIÆ REGINÆ.

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of any other Crime in breach of good Order and Discipline, be brought to a more exemplary and speedy Punishment than the usual Forms of the Law will allow: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, to make, ordain, and establish Rules and Articles of War under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the better Government of Her Majesty's Royal Marine Forces, and for the Punishment of Mutiny, Desertion, Immorality, Breach of Discipline, Misbehaviour, Neglect of Duty, and any other Offence or Misconduct of which they shall be guilty, in any Place on shore or afloat in or out of Her Majesty's Dominions, or at any Time when or under any Circumstances in which they shall not be amenable to the Laws for the Government of Her Majesty's Ships, Vessels, and Forces by Sea, or to the Discipline of the Royal Navy, which Rules and Articles shall be judicially taken notice of by all Judges and in all Courts whatsoever; and Copies of the same shall, as soon as conveniently may be after the same shall have been made, be transmitted by the Secretary of the Admiralty for the Time being (certified under his Hand) to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, and *Edinburgh* respectively, and also to the Governors of Her Majesty's Dominions abroad; provided that no Person within the United Kingdom of *Great Britain* and *Ireland* or the *British Isles* shall by such Articles be subject to be transported as a Felon or to suffer any Punishment extending to Life or Limb, except for Crimes which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, or shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act.

Lord High Admiral, &c may make Articles for the Punishment of Mutiny, Desertion, &c.

II. And be it enacted, That all Crimes and Offences committed against any former Act made for the Regulation of the Royal Marine Forces while on shore, or against any of the Rules, Regulations, or Articles of War made and established by virtue of the same, may during the Continuance of this Act be tried, inquired of, and punished in like Manner as if they had been committed against this Act; and every Warrant for holding any Court-martial under any former Act shall remain in full Force notwithstanding the Expiration of such Act; and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Expiration of the same: Provided always, that no

Offences against former Mutiny Acts and Articles of War.

no Person shall be liable to be tried and punished for any Offence against any of the said Acts or Articles of War which shall appear to have been committed more than Three Years before the Date of the Commission or Warrant for such Trial, unless the Person accused by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased; and provided also, that if any Officer or Marine in any Place beyond the Seas shall commit any of the Offences punishable by Court-martial under this Act, and shall escape, and come or be brought into this Realm before he be tried for the same, he shall, when apprehended, be tried for the same as if such Offence had been committed within this Realm.

Limitation as to Time.

III. And be it enacted, That this Act shall extend to the Islands of *Jersey*, *Guernsey*, *Alderney*, *Sark*, and *Man*, and the Islands thereto belonging, as to the Provisions therein for enlisting of Recruits, whether Minors or of full Age, and swearing and attesting such Recruits, and for mustering and paying, and to the Provisions for Trial and Punishment of Officers and Marines who shall be charged with Mutiny and Desertion or any other of the Offences which are by this Act declared to be punishable by the Sentence of a Court-martial, and also to the Provisions which relate to the Punishment of Persons who shall conceal Deserters, or shall knowingly buy, exchange, or otherwise receive any Arms, Clothes, Military Furniture, or Regimental Necessaries from any Marine or Deserter, or who shall cause the Colour of any such Clothes to be changed; and also to the Provisions for exempting Marines from being taken out of Her Majesty's Service for not supporting or for leaving chargeable to any Parish any Wife or Child or Children, or on account of any Breach of Contract to serve or work for any Employer, or on account of any Debts under Thirty Pounds in the said Islands.

Act to extend to Jersey, &c.

IV. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Marine from being proceeded against by the ordinary Course of Law for Crimes thereby cognizable; and any Commanding Officer who shall neglect or refuse, when due Application shall be made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Marine charged with any capital Offence, or with any Violence or Offence against the Person or Property of any of Her Majesty's Subjects punishable by the known Laws of the Land, or who shall wilfully obstruct, neglect, or refuse to assist any Peace Officer in apprehending any such Offender, shall, upon Conviction thereof in any of Her Majesty's Courts at *Westminster*,

The ordinary Course of Law not to be interfered with

*Westminster*, *Dublin*, or *Edinburgh*, be deemed to be thereupon cashiered, and shall be utterly disabled to hold any Civil or Military Office or Employment in Her Majesty's Service; and a Certificate of such Conviction shall be transmitted to the Secretary of the Admiralty.

No Person tried by Civil Power to be punished by Court-martial for same Offence except by cashiering.

V. And be it enacted, That no Person who shall have been tried before any of the ordinary Courts of Law for any Crime cognizable in such Courts shall be liable to be punished for the same by any Court-martial otherwise than by cashiering; and whenever any Officer or Marine shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Division to which such Officer or Marine belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, and Entry of Judgment thereon or Acquittal of such Officer or Marine, and shall be allowed for such Certificate a Fee of Three Shillings.

Marines to be subject to the Discipline of the Navy while on board Ship.

VI. And it is hereby declared and enacted, That all of Her Majesty's Royal Marine Forces shall, during the Time they shall be respectively borne on the Books of any of Her Majesty's Ships or Vessels in Commission, either as Part of the Complement or as Supernumeraries, or otherwise, be subject and liable in every respect to the Laws for the Government of Her Majesty's Forces by Sea, and to the Rules and Discipline of the Royal Navy, and shall and may be proceeded against and punished for Offences committed by them whilst so borne, in the same Manner as the Officers and Seamen employed in the Royal Navy may be tried or punished; except when and so long as any Marine Officers or Marines shall be landed from any of Her Majesty's Ships, and be employed in Military Operations on shore, and when on such Occasions the senior Naval Officer present shall deem it expedient to issue an Order declaring that such Marine Officers and Marines shall during such Employment on shore be subject to the Regulations of this Act, in which Cases, and while such Order shall remain in force, they shall be subject to such Regulations, and be tried and punished under this Act accordingly, for any Offences to be committed by them while so on shore: Provided always, that if any Marine Officer or Marine so borne on the Books of any of Her Majesty's Ships shall commit any Offence for which he shall not be amenable to a Naval Court-martial or to Naval Discipline, he shall be tried and punished for the same in the same Manner as other Marines may be tried and punished for the like Offences under the Authority of this Act.

VII. And

*Marine Mutiny.*

VII. And be it enacted, That it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral aforesaid, from Time to Time to grant Commissions or Warrants under the Hand of the said Lord High Admiral, or under the Hands of any Two or more of the said Commissioners, for the holding of general and other Courts-martial within the United Kingdom of *Great Britain* and *Ireland*, and elsewhere out of the same, in like Manner as has been heretofore used, and for bringing Offenders against this Act and the Articles of War to Justice, and to erect and constitute Courts-martial, as well within the said United Kingdom and the *British* Isles as in any of Her Majesty's Garrisons or Dominions or elsewhere beyond the Seas, and to grant Commissions or Warrants to the Officer or Officers commanding in chief or commanding for the Time being any of Her Majesty's Royal Marine Forces, as well within the said United Kingdom as Her Majesty's other Dominions, and in any Foreign Parts out of the same Dominions, for convening, as well as for authorizing any Officer to convene, Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Royal Marine Forces under their Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, the Officer so authorized not being however below the Degree of a Field Officer, except upon the Western Coast of *Africa*, where a Captain may be authorized to convene District or Garrison Courts-martial; and any Person subject to this Act, who shall in any of Her Majesty's Dominions or elsewhere commit any of the Offences for which he may be liable to be tried by Court-martial by virtue of this Act or the Articles of War, may be tried and punished for the same in any Part of Her Majesty's Dominions, or other Place where he may have come after the Commission of the Offence, as if the Offence had been committed where such Trial shall take place.

Lord High Admiral, &c. may grant Commissions for holding General Court-martial, &c.

VIII. And be it enacted, That a General Court-martial convened in *Saint Helena*, *Africa*, *Honduras*, the *Australian* Colonies, and the Settlements on the Coast of *China* shall consist of not less than Five Commissioned Officers; that if convened in *Jamaica*, *Newfoundland*, *Bermuda*, or the *Bahamas*, or in any Part out of the Queen's Dominions, excepting the Parts afore mentioned, it shall consist of not less than Seven; and that if convened in any other Part of the Queen's Dominions, or of the Settlements of the *East India* Company, it shall consist of not less than Thirteen Commissioned Officers, and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

General Courts-martial.

District or Garrison Courts-martial.

IX. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Seven Commissioned Officers, except in *Bermuda*, the *Bahamas*, *Saint Helena*, *Jamaica*, *Honduras*, *Newfoundland*, the *Australian* Colonies, the *Windward* and *Leeward* Islands, *British Guiana*, and the Settlements on the Coast of *China*, where it may consist of not less than Five Commissioned Officers, and in *Africa*, where it may consist of not less than Three Commissioned Officers; and such Court-martial shall have the same Power as a General Court-martial to sentence any Marine to such Punishments as shall accord with the Provisions of this Act; provided that the Sentence of a District or Garrison Court-martial shall be confirmed by the General Officer, Governor, or Senior Officer in Command of the District, Garrison, Island, or Colony, and that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Divisional Courts-martial.

X. And be it enacted, That a Divisional or Detachment Court-martial shall consist of not less than Five Officers, unless it be found to be impracticable to assemble that Number, when Three shall be sufficient, and shall have Power to sentence any Marine to Corporal Punishment, to Imprisonment, and Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Transport Ships, &c.

XI. And be it enacted, That in Cases of Mutiny and gross Insubordination, or of other Offences committed on the Line of March, or on board any Transport Ship, Convict Ship, or Merchant Vessel, the Offence may be tried by a Divisional or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in immediate Command, provided that the Sentence shall not exceed that which a Divisional Court-martial is competent to award.

Courts-martial in special Cases out of the Queen's Dominions.

XII. And be it enacted, That it shall be lawful for any Officer commanding any District Detachment or Portion of Her Majesty's Royal Marine Forces which may at any Time be serving out of Her Majesty's Dominions, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident in any such Countries by any Person under the immediate Command of any such Officer, to summon and cause to be assembled a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Trial of any such Person, notwithstanding such Officer shall not have received any Warrant empowering him to assemble Courts-martial; and every such Court-martial shall have the same Powers in regard to summoning and examining Witnesses, Trial of

of and Sentence upon Offenders, as are granted by this Act to General Courts-martial: Provided that no Sentence of any such Detachment Court-martial shall be executed until the Officer commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried shall belong shall have approved and confirmed the same.

Officers of the Marine and Land Forces may sit in conjunction on Courts-martial.

XIII. And be it enacted, That, when necessary or expedient, Officers of Her Majesty's Land Forces and of the Royal Marines may sit in conjunction on Courts-martial, whether the Commanding Officer by whose Order such Court-martial is assembled belongs to the Land or Marine Forces; and when the Person to be tried shall belong to the Royal Marines, then the Proceedings of such Court-martial shall be regulated according to the Provisions of this Act; but where the Person to be tried shall belong to Her Majesty's Land Forces, then the Provisions of the Act passed in the present Session of Parliament for the Punishment of Mutiny and Desertion, and for the better Payment of the Army and their Quarters, and the Oaths therein prescribed, shall be applicable.

If no Superior Officer of Land Forces is present in Command of a District, &c. an Officer of Marines may convene a Court-martial.

XIV. And be it enacted, That, provided there be no Superior Officer of Her Majesty's Land Forces present in Command of a District, Garrison, Station, or Place where Marines may be serving, it shall be lawful for any Officer of the Royal Marine Corps, of the Degree of a Field Officer, and holding a Commission from the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, for that Purpose, but not otherwise, to convene or assemble a District or Garrison Court-martial, to be composed as afore stated, and for such Court to proceed to try any Marine or Marines below the Rank of Commissioned Officer for any of the Offences cognizable by a District or Garrison Court-martial, and that such Courts so convened shall possess the same Power and Authority in awarding Punishments in all respects as if the Court had been assembled under the Act for the Time being for punishing Mutiny and Desertion in the Army: Provided always, that the Sentence so awarded shall not be carried into effect until the Senior Officer of the Royal Marines in the District, Garrison, Station, or Place, not being a Member of the Court, shall have confirmed the same.

President of Court-martial.

XV. And be it enacted, That the President of every Court-martial shall be appointed by the Authority convening such Courts, and shall in no Case be the Officer commanding in chief, or Governor of the Garrison where the Offender shall be tried, nor the Commanding Officer of the Division to which the Prisoner belongs, nor, in the Case of a General Court-martial, under the Degree of a Field Officer, unless where a Field Officer cannot be had, nor in any Case whatsoever

soever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden out of Her Majesty's Dominions, or of a Divisional or Detachment Court-martial holden on the Line of March, or on board a Transport Ship, Convict Ship, Merchant Vessel, or Troop Ship not in Commission, or on any Foreign Station where a Captain cannot be had.

Proceedings at Trial.

XVI. And be it enacted, That in all Trials by Court-martial, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President or by any of such Officers, and if the Prisoner shall then object to the President such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed, but if he object to any Officer other than the President such Objection shall be decided by the President and the other Officers so aforesaid appointed to form the Court; and when the Place of the President or other Officer, in respect of whom any Challenge shall have been made and allowed, shall be supplied by some Officer in respect of whom no Challenge shall be made or allowed, or if no Challenge whatever shall have been made, or, if made, not allowed, the President and the other Officers composing the Court shall take the Oaths in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, and on Trials by other Courts-martial, before the President of such Court, who are hereby respectively authorized to administer the same, and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but between the Hours of Eight of the Clock in the Morning and Four in the Afternoon, except in Cases which require an immediate Example, and except in the *East Indies*, where such Proceedings or Trial may be had between the Hours of Six in the Morning and Four in the Afternoon.

Swearing and summoning Witnesses.

XVII. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the

Judge Advocate, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall, during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by the Court out of which the Writ or Process issued by which such Witness was arrested, or if such Court be not sitting, then by any Judge of the Superior Courts of *Westminster* or *Dublin*, or the Court of Session in *Scotland*, or of the Courts of Law in the *East* or *West Indies*, or elsewhere, according as the Case shall require, upon its being made to appear to such Court or Judge by any Affidavit in a summary Way that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending shall refuse to be sworn, or not produce the Documents being under their Power or Control required to be produced by them, or, being sworn, shall refuse to give Evidence or to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in the Court of Queen's Bench in *London* or *Dublin*, or the Court of Session, or Sheriff Depute or Stewarts Depute or their respective Substitutes within their several Shires and Stewartries, in *Scotland*, or Courts of Law in the *East* or *West Indies*, or in any of Her Majesty's Colonies, Garrisons, or Dominions in *Europe* or elsewhere respectively, upon Complaint made in like Manner as if such Witness had, after being duly summoned or subpœnaed, neglected to attend on a Trial in any Proceeding in the Court in which such Complaint shall be made.

Previous Convictions to be put in Evidence.

XVIII. And be it enacted, That after a Prisoner has been found guilty of any Charge or Charges the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial, a Certificate, which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate, or by the Officer officiating as such, or by the Officer confirming the Proceedings, in case such Copy be taken from the original Minutes, or by the Commanding Officer,

Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted as herein-before provided to the Officer commanding by the Clerk of any such Court or other Officer having Custody of the Records of such Courts, or the Deputy of such Clerk, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk, shall be sufficient Evidence of such last-mentioned Conviction; and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than may by this Act and by the Articles of War be awarded for the Offence of which he shall have been so found guilty.

Report of Proceedings of Courts-martial.

XIX. And be it enacted, That every Judge Advocate, or Person officiating as such, at a General Court-martial, and the President of every District or Garrison Court-martial, are required to transmit, with as much Expedition as the Opportunity of Time and Distance of Place can admit, the original Proceedings and Sentence thereof to the Secretary of the Admiralty for the Time being; and any Person tried by a General Court-martial, or any Person on his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Six Months if the Trial took place at *Gibraltar* or in the *Mediterranean*, Three Months if at any other Station within *Europe*, and Twelve Months if elsewhere in Her Majesty's Dominions; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.



XX. And

XX. And be it enacted, That no Officer or Soldier being acquitted or convicted of any Offence shall be liable to be tried a second Time by the same or any other Court-martial for the same Offence, and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

No second Trial, but Revision allowed.

XXI. And be it enacted, That if any Person who is or shall be commissioned or in Pay as an Officer of Royal Marines, or who is or shall be listed or in Pay as a Non-commissioned Officer, Drummer, or Private Man in Her Majesty's Royal Marine Forces, shall at any Time during the Continuance of this Act, while on shore in any Place within the said Kingdom, or in any other of Her Majesty's Dominions, or in any Foreign Parts out of such Dominions, or on board any Transport Ship, or Merchant Ship or Vessel, or any Ship or Vessel of Her Majesty, or on board any Convict Hulk or Ship, or any other Ship or Vessel, or in any Place whatever, where or while being in any Circumstances in which he shall not be subject to, or not be liable or punishable by, the Laws relating to the Government of Her Majesty's Forces by Sea, begin, excite, cause, or join in any Mutiny or Sedition in Her Majesty's Marine or other Forces, or shall not use his utmost Endeavours to suppress any such Mutiny or Sedition, or coming to the Knowledge of any Mutiny or intended Mutiny shall not without Delay give Information thereof to his Commanding Officer; or shall misbehave himself before the Enemy; or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge or which he shall be commanded to defend; or shall compel the Governor or Commanding Officer of any Garrison, Fortress, or Post to deliver up to the Enemy or to abandon the same; or shall speak Words or use any other Means to induce such Governor or Commanding Officer or any other to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend; or shall leave his Post before relieved, or shall be found sleeping on his Post; or shall hold Correspondence with or give Advice or Intelligence to any Rebel, Pirate, or Enemy of Her Majesty, either by Letters, Messages, Signs, Tokens, or any other Ways or Means whatever; or shall treat or enter into any Terms with any such Rebel, Pirate, or Enemy, without the Licence of the Lord High Admiral of the said United Kingdom, or the Commissioners for executing the Office of Lord High Admiral aforesaid, for the Time being; or shall strike or use or offer any Violence against his Superior Officer being in the Execution of his Office, or shall disobey

Crimes punishable with Death.

disobey any lawful Command of his Superior Officer; or who being confined in a Military Prison shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, or shall violate any Law or Regulation of or relating to any Military Prison; or shall desert Her Majesty's Service; every Person so offending in any of the Matters before mentioned shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

Judgment of Death.

XXII. And be it enacted, That no Judgment of Death by Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

Commutation of Death for Transportation.

XXIII. And be it enacted, That whensoever any General Court-martial by which any Marine shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Marine or as a Soldier in any Corps and in any Country or Place which Her Majesty shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Marine or as a Soldier in any Corps which Her Majesty shall please to direct: Provided that in all Cases where a Capital Punishment shall have been awarded by a General Court-martial it shall be lawful for Her Majesty, or, if in the *East Indies*, for the Officer commanding in chief the Forces in *India*, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to Her Majesty, or, if in the *East Indies*, to the Officer commanding as aforesaid.

Embezzlement punishable by Transportation.

XXIV. And be it enacted, That every Officer and other Person employed in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores belonging to Her Majesty's Royal Marine Forces or for their Use, who shall embezzle or fraudulently misapply, damage, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military or Royal Marine Stores, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment, of Fine, Imprisonment, Dismissal from Her Majesty's Service, and Incapacity of serving Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature and Degree of the

the Offence; and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained, which shall have been ascertained by such Court-martial; and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender; and the Loss and Damage so ascertained as aforesaid shall be a Debt to Her Majesty, and may be recovered in any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident after the said Judgment shall be confirmed and made known; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to Her Majesty's Service, and for ever be incapable of serving Her Majesty in any Military Capacity.

Transportation of Offenders.

XXV. And be it enacted, That whenever Her Majesty shall intend that any Sentence of Transportation heretofore or hereafter to be passed upon any Offender by any Court-martial shall be carried into execution for the Term specified in such Sentence, or for any shorter Term, or shall be graciously pleased to commute, as herein provided, any Sentence of Death which shall have been passed by any such Court, such Sentence, together with Her Majesty's Pleasure upon the same, shall be notified in Writing by the Lord High Admiral, or by any Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, to any Justice of the Queen's Bench, Common Pleas, or Baron of the Exchequer, and thereupon such Justice or Baron shall make an Order for the Transportation of such Offender upon the Terms and for the Time which shall be specified in such Notification, and shall also do all such other Acts consequent upon such Notification as any such Justice or Baron is authorized to make or do by any Statute or Statutes in force at the Time of making any such Orders in relation to the Transportation of Offenders; and such Order, and other Acts to be so made and done as aforesaid, shall be obeyed and executed by such Person in whose Custody such Offender shall at that Time be, and by all other Persons whom it may concern, and shall be as effectual, and have all the same Consequences, as any Order made under the Authority of any Statute with respect to any Offender in such Statute mentioned; and every Sheriff, Gaoler, Keeper, Governor, or Superintendent whom it may concern, and all Constables and other Persons, shall be bound to obey the aforesaid Order and Orders, be assistant in the Execution thereof, and be liable to the same Punishment for Disobedience or interrupting the Exe-

cution of such Order as they would be if the same had been made under the Authority of any such Act of Parliament; and every Person so ordered to be transported as aforesaid shall be subject respectively to all and every the Penalties and Provisions made by Law and in force concerning Persons convicted of any Crime and sentenced to be transported, or receiving Her Majesty's Pardon on Condition of Transportation; and from the Time when such Order of Transportation shall be made every Law and Statute in force touching the Escape of Felons, or their afterwards returning or their being at large without Leave, shall apply to such Offender, and to all Persons aiding, abetting, contriving, or assisting in any Escape or intended Escape, or the returning without Leave of any such Offender; and the Judge who shall make any Order of Transportation as aforesaid shall direct the Notification of Her Majesty's Pleasure, and his own Order made thereupon, to be filed and kept of Record in the Office of the Clerk of the Crown of the Court of Queen's Bench; and the said Clerk shall have a Fee of Two Shillings and Sixpence only for filing the same, and shall, on Application, deliver a Certificate in Writing (not taking more than Two Shillings and Sixpence for the same) to such Offender, or to any Person applying in his or Her Majesty's Behalf, showing the Christian and Surname of such Offender, his Offence, the Place where the Court was held before which he was convicted, the Sentence, and the Conditions on which the Order of Transportation was given; which Certificate shall be sufficient Proof of the Conviction and of the Sentence of such Offender, and also of the Terms in which such Order for his Transportation was given, in any Court and in any Proceeding wherein it may be necessary to inquire into the same.

In the Colonies

XXVI. And be it enacted, That whenever any Sentence of Transportation heretofore or hereafter passed upon any Offender by any Court-martial holden in the *East Indies*, or in any Part of Her Majesty's Foreign Dominions, is to be carried into execution for the Term specified in such Sentence, or for any shorter Term, or when Sentence of Death has been or shall as aforesaid be commuted to Transportation, the same shall be notified by the Officer commanding Her Majesty's Forces at the Presidency or Station to some Judge of One of the Supreme Courts of Judicature in the *East Indies*, or Chief Justice or some other Judge, as the Case may be, in any Part of Her Majesty's Foreign Dominions, who shall make Order for the Transportation or intermediate Custody of such Offender in like Manner as for the Transportation or intermediate Custody of any other Convict; and upon any such Order being made it shall be duly notified to the Governor of the Presidency if in the *East Indies*, or to the Governor of the Colony if in any of Her Majesty's Colonies, or to the Person who shall for the Time being be exercising the Office of Governor of

such Presidency or Colony, who on Receipt of such Notification shall cause such Offender to be removed to some Colony or Place in obedience to the Directions for the Removal of Convicts which shall from Time to Time be transmitted from Her Majesty through One of Her Principal Secretaries of State to such Presidency or Colony; and such Offender on being so removed shall undergo the Sentence of Transportation which has been passed upon him in the Colony or Place to which he has been so removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned and kept to hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with hard Labour during the Term of his Transportation by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent.

Disposal of Convict after Sentence of Transportation.

XXVII. And be it enacted, That when any Sentence of Death shall be commuted for Transportation, or when any Marine shall by Court-martial be adjudged to be transported as authorized by this Act, it shall be lawful for the Commanding Officer of the Division to which such Marine shall have belonged to cause him to be detained and conveyed to any Gaol or Prison, there to remain in safe Custody until he shall be removed therefrom by due Authority under an Order for his Transportation to be made by some Justice of the Queen's Bench or Common Pleas or Baron of the Exchequer as aforesaid; and that a Certificate of his Sentence, after the same shall have been approved by the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, (such Certificate to be signed by the Commanding Officer of the Division from which he shall be sent,) shall be a sufficient Order, Requisition, and Authority to the Governor, Keeper, or Superintendent of the Gaol or Prison to receive and detain him: Provided always, that in case of any such Offender being so conveyed to Gaol or Prison, the usual Allowance of Sixpence *per Diem* shall be made to the Keeper of the Gaol or Prison for the Subsistence of such Offender during his Detention therein, which Allowance shall be paid by the Paymaster of the Division upon Production to him by the said Governor, Keeper, or Superintendent of a Declaration, to be made by him before One of Her Majesty's Justices of the Peace of such County, of the Number of Days during which the Offender shall have been so detained and subsisted in such Gaol or Prison.

Power to inflict Corporal Punishment.

XXVIII. And be it enacted, That any Court-martial may sentence any Marine to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty, provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

XXIX. And

Power to inflict Corporal Punishment and Imprisonment.

XXIX. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, to award Imprisonment, with or without hard Labour.

Power to commute Corporal Punishment.

XXX. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial, it shall be lawful for the Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of *Great Britain* and *Ireland*, or for the Officer authorized to confirm the Sentences of Courts-martial, to commute such Corporal Punishment to Imprisonment, either solitary or with or without hard Labour, for any Period not exceeding Forty-two Days; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Forfeiture of Pay and Pension by Sentence of Court-martial.

XXXI. And be it enacted, That any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case; and that any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion, or for disgraceful Conduct,

In wilfully maiming or injuring himself, or any other Marine, whether at the Instance of such other Marine or not, with Intent to render himself or such other Marine unfit for Service:

In tampering with his Eyes, with Intent thereby to render himself unfit for Service:

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating Disease or Infirmity, or delaying his Cure:

In malingering or feigning Disease:

In stealing or embezzling Government Stores, or in receiving them knowing them to have been stolen:

In stealing any Money or Goods the Property of a Comrade, of a Marine Officer, or of any Marine Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen:

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing

producing the same as true, knowing the same to be false or fraudulent:

In stealing or embezzling or fraudulently misapplying public Money intrusted to him:

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of, or with Intent to injure, any Person, Civil, Marine, or Military:

Or for any other, disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXXII. And be it enacted, That every Marine who shall be found guilty of Desertion by a Court-martial, such Finding having been duly approved, or of Felony in any Court of ordinary Criminal Jurisdiction in *England* or *Ireland*, or of any Crime or Offence in any Court of Criminal Judicature in any Part of the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty out of the United Kingdom, which would, if committed therein, amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and to Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay when in Confinement; or during Absence on Commitment under a Charge, or in arrest for Debt; or when Prisoner of War:

XXXIII. And be it enacted, That if any Non-commissioned Officer or Marine, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement, or Prolongation of Service, as herein-after provided, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Marine was enlisted or re-engaged, or for which his Time of Service may have been prolonged; and that no Marine shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in arrest for Debt; and that when any Marine shall be absent as a Prisoner of War he shall not be entitled to Pay, or to reckon Service towards Pay or Pension, for the Period of such Absence, but upon rejoining Her Majesty's Service due Inquiry shall be made by a Court-martial, and unless it shall be proved to the Satisfaction of such Court that the said Marine was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or

under, or in some Manner aided, the Enemy, or that he had not returned as soon as possible to Her Majesty's Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay, or a Proportion thereof, and to reckon Service during his Absence; and that any Marine who shall be convicted of Desertion or of Absence without Leave shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Marine shall absent himself without Leave for any Period not exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Marine shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Marine shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without hard Labour, or with or without solitary Confinement, as the said Commanding Officer may think fit, and such Marine shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may, moreover, order that in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Marine who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and, in pursuance of any such Order as aforesaid, the Pay of the Marine shall be accordingly forfeited; provided that such Marine shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid: Provided also, that any Marine who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture: Provided that it shall be lawful for the said Lord High Admiral or the said Commissioners to order or withhold the Payment of the whole or any Part of the Pay of any Officer or Marine during the Period of Absence by any of the Causes aforesaid.

or when convicted of Desertion.

Forfeiture of Pay and Liquor for habitual Drunkenness.

XXXIV. And be it enacted, That any General, Garrison, or District Court-martial, before which any Marine shall be convicted of habitual Drunkenness, shall, in addition to any other Punishment which such Court is competent to award, deprive such Marine of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with the Articles of War to be made in pursuance of this Act, subject to Restoration on subsequent good Conduct; and after any other Punishment which the Court may award every Divisional or Detachment Court-martial shall deprive

deprive a Marine convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay, for such Period not exceeding Six Months, and under such Restrictions and Regulations, as may accord with the said Articles of War, subject to Restoration on subsequent good Conduct: Provided that a Marine so sentenced to the Forfeiture of Pay who shall be quartered or removed to a Station where Liquor forms a Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny of his daily Pay, for so long a Time as he shall remain in such Station and such Sentence of Forfeiture of Pay shall remain in force.

Forfeiture of Pay for Drunkenness on Duty.

XXXV. And be it enacted, That any Court-martial may sentence any Marine for being drunk when on or for Duty or Parade, or on the Line of March, to be deprived of a Penny a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

Stoppages.

XXXVI. And be it enacted, That, in addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good—

Any Loss, Disposal of, or Damage occasioned by him in any of the Instances of disgraceful Conduct herein specified:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, any Property whatsoever, occasioned by his wilful or negligent Misconduct:

Any Loss, Disposal of, or Destruction of, or Damage or Injury to, his Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries, or any Loss, Disposal of, or Destruction of, or Damage or Injury to, the Arms, Clothing, Instruments, Equipments, Accoutrements, or Necessaries of any other Marine, occasioned by his wilful or negligent Misconduct:

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss, Disposal of or Destruction of, or Damage or Injury to, Accoutrements and Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing or repairing the same be made good, the Amount of any Loss, Disposal, Destruction, Damage, or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court: Provided also, that after satisfying the Charges for his messing and washing, so much only of the Pay of the Marine may be stopped and applied as shall leave him a Residue at the least of One Penny a Day.

XXXVII. And

Discharge with Ignominy.

XXXVII. And be it enacted, That whenever any Marine shall have been convicted of any such disgraceful Conduct, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such Marine, such Court may further recommend that he be discharged with Ignominy from Her Majesty's Service.

Marking Deserters.

XXXVIII. And be it enacted, That on the first and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Arm-pit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts martial.

XXXIX. And be it enacted, That a General or District or Garrison Court-martial may sentence any Marine to Imprisonment with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Divisional or Detachment Court-martial may sentence any Marine to Imprisonment, with or without hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Marine may be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of solitary Confinement: Provided that when any Court-martial, whether General, Garrison, or District or Divisional, shall direct that the Imprisonment shall be solitary only, the Period shall in no Case exceed Fourteen Days.

Imprisonment of Offenders already under Sentence for previous Offence.

XL. And be it enacted, That whenever Sentence shall be passed by a Court-martial on a Person already imprisoned under Sentence of a Court martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence, to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence, either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate

of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

Term and Place of Imprisonment.

XLI. And be it enacted, That, save as herein specially provided, every Term of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President; and the Place of Imprisonment under the Sentences of Courts-martial shall be appointed by the Court or the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Commanding Officer of the Division to which the Offender belongs or is attached, or the Officer commanding the District, Garrison, Island, or Colony.

Proviso for Removal of Prisoners.

XLII. And be it enacted, That in the Case of a Prisoner undergoing Imprisonment under Sentence of a Court-martial, or as Part of commuted Punishment, in any public Prison, or in any Gaol or House of Correction, in any Part of Her Majesty's Dominions, it shall be lawful for the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, in all Cases, or for the Officer commanding the Division in the Case of a Prisoner imprisoned under the Sentence of a Divisional Court-martial, of his sole Authority, and in all other Cases with the Consent of the Officer commanding the District, Garrison, Island, or Colony, or of the Officer by whom the Sentence of the Court shall have been confirmed, as the Case may be, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial either as a Witness or for Trial, and such Prisoner shall accordingly, on the Production of such Order, be discharged or be delivered over, as the Case may be: Provided also, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Custody of Prisoners under Military Sentence in Common Gaols.

XLIII. And be it enacted, That every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, or of any Gaol or House of Correction, in any Part of Her Majesty's Dominions, shall receive into his Custody any Military Offender under Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the

Division or Detachment to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment or Remainder of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without hard Labour, and with or without solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he be discharged or delivered over to Military Custody before the Expiration of that Time, under an Order duly made for that Purpose; and whenever Marines are called out in aid of the Civil Power, or are stationed in Billets, or are on the Line of March, every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, shall receive into his Custody any Marine for a Period not exceeding Seven Days, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding such Marine; and any Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement, who shall refuse to receive and to confine, or to discharge or deliver over, any Marine Offender in the Manner herein prescribed, shall forfeit for every such Offence the Sum of One hundred Pounds.

**Their Subsistence in Common Gaols.**

XLIV. And be it enacted, That the Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, shall diet and supply every Marine imprisoned by the Sentence of a Court-martial or as a Deserter with Fuel and other Necessaries according to the Regulations of such Place of Confinement, and shall receive on account of every Marine during the Period of his Imprisonment Sixpence *per Diem*, which the Secretary of the Admiralty shall cause to be issued out of the Subsistence of such Marine upon Application in Writing, signed by any Justice within whose Jurisdiction such Place of Confinement shall be locally situated, together with a Copy of the Order of Commitment, and which Sum of Sixpence *per Diem* shall be carried to the Credit of the Fund from which the Expense of such Place of Confinement is defrayed.

**Expiration of Imprisonment in Common Gaols.**

XLV. And be it enacted, That every Gaoler, or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know, that any Person in his Custody upon any Charge or for any Offence, Civil, Criminal, or Military, is a Marine, shall on receiving him into Custody



give

give Notice thereof to the Secretary of the Admiralty, and also, if he be confined under Sentence of Imprisonment, previous to the Expiration of the Period of the Imprisonment of such Marine, give to the Secretary of the Admiralty One Month's Notice of the Period of such Expiration of Imprisonment, or if there shall not be sufficient Time for a Month's Notice, then the longest practicable Notice thereof; and for every Default of giving either or any of such Notices such Gaoler or Person shall forfeit the Sum of Twenty Pounds.

Military Prisons established under Act for punishing Mutiny and Desertion in Army to be deemed public Prisons

XLVI. And be it enacted, That every Military Prison which shall be established under or by virtue of any Act for punishing Mutiny and Desertion, and for the better Payment of the Army and their Quarters, shall be deemed to be public Prisons within the Meaning of any Act now in force or hereafter to be in force for the Regulation of Her Majesty's Royal Marine Forces; and that any Officer or Marine convicted by a Court-martial may be sent, by Order of the Commissioners for executing the Office of Lord High Admiral, to any such Military Prison, there to undergo such Punishment as may be awarded by the Sentence passed upon him, or until he be discharged or delivered up by an Order, as in the Case of a Discharge or Removal from any other Prison under this Act.

Musters, and Penalty on false Musters.

XLVII. And be it enacted, That Musters, as have been customary, shall be taken of every Division or Company of Royal Marines once in every Calendar Month, as shall be appointed; and no Officer or Marine shall be absent from any such Muster, unless duly certified to be employed on some other Duty of the Corps, or sick, or in Prison, or on Furlough; and every Person belonging to Her Majesty's Service who shall give or procure to be given any untrue Certificate, thereby to excuse any Person from any Muster or other Service which he ought to attend or perform, or shall make any false or untrue Muster of Man or Horse, or who shall willingly allow or sign any false Muster or Duplicate thereof, or shall directly or indirectly take or receive any Money or Gratuity for mustering any Person, or for signing any Muster Roll or Duplicate, or shall knowingly muster any Person by a wrong Name, shall, upon Proof by Two Witnesses before a General Court-martial, for any such Offence be forthwith cashiered, and disabled to have or hold any Civil or Military Office or Employment in the Service of Her Majesty; and any Person who shall fraudulently offer or procure himself to be falsely mustered, or lend or furnish any Horse to be falsely mustered, shall, upon Proof thereof by the Oaths of Two Witnesses before some Justice of the Peace residing near to the Place where such Muster shall be made, forfeit the Sum of Twenty Pounds, and the Informer, if he belongs to Her Majesty's Service, shall, if he demand it, be forthwith discharged; and if

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any Person not belonging to Her Majesty's Service shall give or sign any untrue Certificate of Illness or otherwise in order to excuse any Officer or Marine from Appearance at any Muster, or whereby Her Majesty's Service may be defrauded, every Person so offending shall for every such Offence forfeit the Sum of Twenty Pounds.

Verifying of Muster Rolls.

XLVIII. And be it enacted, That all Muster Rolls and Pay Lists of Royal Marines required to be verified upon Oath shall be sworn before and attested by any Justice of the Peace, without Fee or Reward to himself or his Clerk.

Trials for Desertion after subsequent Re-enlistment.

XLIX. And be it enacted, That every Marine shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from Her Majesty's Service, although he may of right belong to the Corps from which he shall have originally deserted, and whether such Marine shall be tried for deserting from the Corps into which he originally enlisted, or for deserting from the same Corps into which he may have subsequently enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may be so tried may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters.

L. And be it enacted, That upon reasonable Suspicion that a Person is a Deserter it shall be lawful for any Constable, or if no Constable can be immediately met with, then it shall be lawful for any Officer or Marine in Her Majesty's Service, to apprehend or cause such suspected Person to be apprehended, and to bring or cause him to be brought before any Justice living in or near such Place, and acting for the County or Borough wherein such Place is situate, or for the County adjoining such first-mentioned County or such Borough, and such Justice is hereby authorized and required to inquire whether such suspected Person is a Deserter, and if it shall appear by the Testimony of One or more Witnesses taken upon Oath, or by the Confession of such suspected Person, or by the Knowledge of such Justice, or by Evidence sufficient to satisfy such Justice that there are reasonable Grounds for believing, that such suspected Person is a Deserter, such Justice shall forthwith cause him to be conveyed in Civil Custody to the Head Quarters or Depôt of the Division to which he belongs, if stationed within Five Miles of the Place of Apprehension, or if such Head Quarters or Depôt shall not be stationed within Five Miles, then to the nearest or most convenient public Prison (other than a Military Prison), whether such Prison be in the County or Borough in which such suspected Person was apprehended or in which he was committed or not; or if the Deserter shall have been apprehended by a Party of Marines in charge of a Commissioned Officer, such Justice may deliver him up to such Party, unless the Officer shall deem it necessary

necessary to have the Deserter committed to Prison for safe Custody, and such Justice shall transmit an Account thereof, in the Form prescribed in the Schedule annexed to this Act, to the Secretary of the Admiralty, specifying thereon whether such Deserter was delivered to a Party of Marines in order for his being taken to the Head Quarters or Depôt of his Division, or whether such Deserter was committed to Prison, to the end that the Person so committed may be removed by an Order from the said Lord High Admiral or the said Commissioners for executing the Office of Lord High Admiral, and proceeded against according to Law; and such Justice shall also send to the Secretary of the Admiralty a Report stating the Names of the Persons by whom the Deserter was apprehended and secured, and the Secretary of the Admiralty shall transmit to such Justice an Order upon the proper Department for the Payment of the Sum of Twenty Shillings as a Reward to the Person so certified to be entitled thereto; and for such Information, Commitment, and Report as aforesaid the Clerk of the said Justice shall be entitled to a Fee of Two Shillings and no more; and every Gaoler and other Person into whose Custody any Person charged with Desertion is committed shall, immediately upon the Receipt of the Person so charged into his Custody, pay such Fee of Two Shillings, and also, upon the Production of a Receipt from the Medical Practitioner who may have been required to examine such suspected Person, a Fee of Two Shillings and Sixpence, and shall notify the Fact to the Secretary of the Admiralty, and transmit also to the Secretary of the Admiralty a Copy of the Commitment, to the end that the Secretary of the Admiralty may order Repayment of the same; and that when any Person shall be apprehended and committed as a Deserter in any of Her Majesty's Colonies, the Justice shall forthwith cause him to be conveyed to some public Prison, if the Detachment to which he is suspected to belong shall not be in the Colony, or if the Detachment be in the Colony, the Justice may, if within reasonable Distance, deliver him into Custody at the nearest Military Post, although the Detachment to which such Person is suspected to belong may not be stationed at such Military Post; and such Justice shall in every Case transmit to the Officer commanding in the Colony a descriptive Return in the Form prescribed, to the end that such Person may be removed by the Order of such Officer, and proceeded against according to Law.

Penalty on Marines straggling or attempting to desert from Head Quarters.

LI. And be it enacted, That for and in respect of any Marine straggling or attempting to desert from any Head Quarters who may be apprehended at a greater Distance from Head Quarters than is allowed by the Articles of War, the Party or Parties by whom he shall be apprehended shall be entitled to a Reward of Ten Shillings,

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to be paid upon the delivering up of such Marine, which Sum of Ten Shillings shall be charged against and stopped and retained out of the Pay and Subsistence of every such Marine.

Temporary Custody of Deserters in Gaols.

LII. And be it enacted, That every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, Lock-up House, or other Place of Confinement in any Part of Her Majesty's Dominions, is hereby required to receive and confine every Deserter who shall be delivered into his Custody by any Marine conveying such Deserter under lawful Authority, on Production of the Warrant of the Justice of the Peace on which such Deserter shall have been taken, or some Order from the Admiralty, which Order shall continue in force until the Deserter shall have arrived at his Destination, and such Gaoler or Person shall be entitled to One Shilling for the safe Custody of the said Deserter while halted on the March, and to such Subsistence for his Maintenance as shall be directed by the said Lord High Admiral or the said Commissioners.

Fraudulent Confession of Desertion.

LIII. And be it enacted, That any Person who shall voluntarily deliver himself up as and confess himself to be a Deserter from Her Majesty's Royal Marine Forces, or who, while serving in any of Her Majesty's Forces, or the embodied Militia, or the Forces of the *East India* Company, shall, to any Officer or Non-commissioned Officer thereof, confess himself to be a Deserter as aforesaid, or who, upon being apprehended for any Offence, shall in the Presence of the Justice confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Marine, and shall be liable to serve in Her Majesty's Royal Marine Forces, whether such Person shall have been ever actually enlisted as a Marine or not; or in case such Person shall not be a Deserter from the Royal Marine Forces, or shall have been discharged therefrom or from any other Corps for any Cause whatever, or shall be incapable of Service, he shall, on Conviction thereof before Two Justices of the Peace at or near the Place where he shall deliver himself up or confess, or where he may at any Time happen to be, be adjudged to be punished, if in *England*, as a Rogue and Vagabond, and if in *Scotland* or *Ireland*, by Commitment to some Prison or House of Correction, there to be kept to hard Labour for any Time not exceeding Three Months, or shall be deemed guilty of obtaining Money under false Pretences within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act*

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

*for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, or, if in *Scotland*, shall shall be deemed guilty of Falsehood, Fraud, and wilful Imposition, and every Person so deemed to be guilty of obtaining Money under false Pretences, or of Falsehood, Fraud, and wilful Imposition, (as the Case may be,) shall be liable to be proceeded against and punished accordingly; and the Confession and receiving Subsistence as a Marine by such Person shall be Evidence of the false Pretence, or of the Falsehood, Fraud, and Imposition, (as the Case may be,) and of the obtaining Money to the Amount of the Value of such Subsistence, and the Value of such Subsistence so obtained may be charged in the Indictment as so much Money received by such Person; and in case such Person shall have been previously convicted of the like Offence, or shall have been summarily convicted and punished in *England* as a Rogue and Vagabond, or in *Scotland* or *Ireland* by Commitment, for making a fraudulent Confession of Desertion, such former Conviction may be alleged in the Indictment, and may be proved upon the Trial of such Person; and in such Indictment for a Second Offence it shall be sufficient to state that the Offender was at a certain Time and Place convicted of obtaining Money under false Pretences as a Deserter, for making a fraudulent Confession of Desertion, without otherwise describing the said Offence; and a Certificate containing the Substance and Effect only (omitting the formal Part) of the Indictment and Conviction of the former Offence, purporting to be signed by the Clerk of the Court or other Officer having the Custody of the Record of the Court where the Offender was first convicted, or by the Deputy of such Clerk, or by the Clerk of the convicting Magistrates, shall, upon Proof of the Identity of the Person of the Offender, be sufficient Evidence of the First Conviction, without Proof of the Signature or official Character of the Person appearing to have signed the same; and if the Person so confessing himself to be a Deserter shall be serving at the Time in Her Majesty's Royal Marine Forces he shall be deemed to be and shall be dealt with by all Justices and Gaolers as a Deserter.

Punishment for inducing Marines to desert.

LIV. And be it enacted, That any Person who shall, in any Part of Her Majesty's Dominions, by Words or by any other Means whatsoever, directly or indirectly procure any Marine to desert, or shall by Words or by any other Means whatsoever attempt to procure or persuade any Marine to desert, and any Person who, knowing that any Marine is about to desert, shall aid or assist him in deserting, or, knowing any Marine to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both,

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as the Court before which such Conviction shall take place may adjudge.

Extension of Furlough in case of Sickness.

LV. And be it enacted, That when there shall not be any Officer of Her Majesty's Land or Marine Forces of the Rank of Captain or of a superior Rank, or any Adjutant of Militia, within convenient Distance of the Place where any Non-commissioned Officer or Marine on Furlough shall be detained by Sickness or other Casualty rendering necessary an Extension of such Furlough, it shall be lawful for any Justice, who shall be satisfied of such Necessity, to grant an Extension of Furlough for a Period not exceeding One Month; and the said Justice shall immediately certify such Extension, and the Cause thereof, to the Commanding Officer of the Division or Detachment to which the Man belongs, if known, and if not, then to the Secretary of the Admiralty, in order that the necessary Allowance of Pay and Subsistence may be remitted to the Marine, who shall not during the Period of such Extension of Furlough be liable to be treated as a Deserter: Provided that nothing herein contained shall be construed to exempt any Marine from Trial and Punishment according to the Provisions of this Act for any false Representation made by him in that Behalf to the said Officer or Justice so extending the Furlough, or for any Breach of Discipline committed by him in applying for and obtaining the said Extension of Furlough.

Marines not to be taken for Debts under 30*l.*, or for not supporting Family.

LVI. And be it enacted, That no Person whatever enlisted into Her Majesty's Service as a Marine shall be liable to be arrested or taken therefrom by reason of the Warrant of any Justice or other Process for not supporting or leaving chargeable on any Parish, Township, or Union any Wife or any Child or Children, legitimate or illegitimate, or (except in the Case of an Apprentice) on account of any Breach of Contract or Engagement to serve or work for any Employer; and no Person enlisted as a Marine shall be liable to be taken out of Her Majesty's Service by any Process, Order, or Execution whatsoever, or by the Order or Decree of any Court or of any Judge or Officer thereof, for Contempt, or on any Account whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, for which no Fee shall be taken, before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Courts, of which Affidavit a Memorandum shall, without Fee, be endorsed upon the Back of such Process, that the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Thirty Pounds at least over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Marine or by his Superior Officer, and

and by Warrant under his Hand discharge such Marine without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Complainant in any Judgment or Execution as aforesaid; provided that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Marine, or left at his last Quarters or Place of Residence before such listing, may file a common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

Officers not liable to take Parish Apprentices.

LVII. And be it enacted, That no Officer of Her Majesty's Royal Marine Forces residing in Barracks or elsewhere under Military Law shall be deemed liable to have any Parish poor Child bound Apprentice to him.

Officers not to be Sheriffs or Mayors.

LVIII. And be it enacted, That no Person who shall be commissioned and in Full Pay as an Officer in the Royal Marine Forces shall be capable of being nominated or elected to be Sheriff of any County or other Place, or to be Mayor, Portreeve, Alderman, or shall be capable of holding any Office in any Municipal Corporation in any City, Borough, or Place in *Great Britain* or *Ireland*.

Enlisting and swearing of Recruits.

LIX. And be it enacted, That every Person who shall receive Enlisting Money (knowing it to be such) to serve in the Royal Marines from any Person employed in the Recruiting Service, and being an Officer, Non-commissioned Officer, or attested Marine, shall be deemed to be enlisted as a Marine in Her Majesty's Service, and while he shall remain with the Recruiting Party shall be entitled to be billeted; and every Person who shall enlist any Recruit shall first ask the Person offering to enlist whether he does or does not belong to the Militia, and shall, within Twelve Hours after the Receipt of the Enlisting Money, cause to be taken down in Writing the Name and Place of Abode of such Recruit, and, if such Recruit shall not reside in or in the Vicinity of the Town or Place where he offered to enlist, the Place also at which he shall declare that he intends to sleep, in order that, within Forty-eight Hours, but not sooner than Twenty-four Hours, (any intervening *Sunday* not included,) after his having received the Enlisting Money, Notice of his having so enlisted be given to the Recruit, or left at his usual Place of Abode, or at the Place where he stated that it was his Intention to sleep; and when any Person shall be enlisted as a Marine he shall within Ninety-six Hours, (any inter-

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vening *Sunday* not included,) but not sooner than Twenty-four Hours, after such Enlisting, unless he shall voluntarily have absented himself or absconded, appear, together with some Person employed in the Recruiting Service of the Party with which he shall have enlisted, before a Justice, not being an Officer in the Marines, residing in the Vicinity of the Place or acting for the Division or District or Place where such Recruit shall have enlisted, or where the Head Quarters of the Recruiting Party shall be stationed, and if such Recruit shall declare his having voluntarily enlisted, the said Justice shall put to him the several Questions contained in the Schedule to this Act annexed, and shall then and there, in the Presence of the said Recruit, record or cause to be recorded in Writing his Answers thereunto; and the said Justice is hereby required forthwith to read over, or cause his Clerk in his Presence to read over, to such Recruit the several Articles of War against Mutiny and Desertion, and to administer to such Recruit the Oath in the Schedule to this Act annexed applicable to the Case of a Recruit, and no other Oaths, any thing in any Act to the contrary notwithstanding; and the Fee for administering such Oath shall be One Shilling and no more; and the said Justice is hereby required to give, under his Hand, the Certificate in the Schedule to this Act annexed; and if any such Recruit so to be certified shall refuse to take the Oath in the Schedule to this Act annexed before the said Justice, it shall be lawful for the Justice, at the Request of the Officer or Non-commissioned Officer with whom he enlisted, to detain and confine such Person until he shall take the said Oath of Fidelity.

Dissent and Relief from Enlistment.

LX. And be it enacted, That any Recruit appearing as aforesaid before such Justice shall be at liberty to declare his Dissent to such Enlisting, and upon such Declaration, and returning the Enlisting Money, and also paying the Sum of Twenty Shillings for the Charges expended upon him, together with the full Amount of Subsistence and Beer Money which shall have been paid to such Recruit subsequent to his Enlistment, shall be forthwith discharged in the Presence of such Justice; but if such Person shall refuse or neglect, within the Space of Twenty-four Hours after so declaring his Dissent, to return and pay such Money as aforesaid, he shall be deemed and taken to be enlisted as if he had given his Assent thereto before the said Justice; provided that it shall be lawful for any Justice to discharge any Person who shall have hastily enlisted, and who shall apply to him to declare his Dissent within such Ninety-six Hours as aforesaid, upon Payment of the Sum of Money required to be paid by any Recruit declaring his Dissent under this Act, notwithstanding no Person belonging to the Recruiting Party shall be with the Recruit, if it shall appear to such Justice upon Proof to his Satisfaction that



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the Recruiting Party has left the Place where such Recruit was enlisted, or that the Recruit could not procure any Person belonging to such Party to go with him before the Justice; and the Sum paid by such Recruit upon his Discharge shall be kept by the Justice, and after deducting One Shilling, as the Fee to his Clerk for reporting the Payment to the Secretary of the Admiralty, shall be paid to any Person belonging to the Recruiting Party entitled thereto, and demanding the same; provided that no Recruit who has actually though erroneously been discharged by the Justice before the Expiration of Twenty-four Hours after the Time of his Enlistment shall be liable on that Account to be proceeded against as having deserted from Her Majesty's Service; and the Justice who shall discharge any Recruit shall in every Case give to him a Certificate under his Hand specifying the Cause thereof.

Offences connected with Enlistment.

LXI. And be it enacted, That if any Recruit shall receive the Enlisting Money from any Person employed in the Recruiting Service (knowing it to be such), and shall abscond or refuse to go before a Justice, or shall absent himself from the Recruiting Party or Person with whom he enlisted, and shall not voluntarily return to go before some Justice within such Period of Four Days as aforesaid, such Recruit shall be deemed to be enlisted and a Private in Her Majesty's Royal Marine Forces as fully to all Intents and Purposes as if he had been duly attested, and may be apprehended and punished as a Deserter, or for being absent without Leave, under any Articles of War made for the Punishment of Mutiny and Desertion; and such Recruit shall not be discharged by any Justice of the Peace after the Expiration of such Four Days as aforesaid, unless it shall be proved to the Satisfaction of such Justice that the true Name and Residence of the Recruit were disclosed and known to the Recruiting Party, and that no Notice was given to the Recruit, or left at his usual Place of Abode, of his having so enlisted; provided that in every Case wherein any Recruit shall have received Enlisting Money, and shall have absconded from the Party, so that it shall not be possible immediately to apprehend and bring him before a Justice, the Officer or Non-commissioned Officer commanding the Party shall produce to the Justice before whom the Recruit ought regularly to have been brought for Attestation a Certificate of the Name and Place of Residence of such Recruit; and the Justice to whom such Certificate shall be produced shall, after satisfying himself that the Recruit who had absconded cannot be found and apprehended, transmit a Duplicate thereof to the Secretary of the Admiralty, in order that, in the event of such Recruit being afterwards apprehended and reported as a Deserter, the Facts of his having received Enlisting Money, and having absconded after having been enlisted, may be ascertained before

before he shall be finally adjudged to be a Deserter; and it shall be lawful for any Two Justices acting for the County, Division, District, or Place where any such Recruit shall at any Time happen to be when any such Recruit shall be brought, and shall be proved upon Oath before them to have concealed his belonging or having belonged to the Militia, or any Regiment, or to the Marines, Ordnance, or Navy, or the Forces of the *East India* Company, and discharged, or to have concealed his having been discharged on any prior Enlistment, or to have wilfully concealed any Infirmity, or designedly made any false Representation at or previously to the Time of receiving Enlisting Money or upon being attested, to adjudge such Recruit, if in *England*, to be a Rogue and Vagabond, and to sentence him to such Punishment as by any Law may be inflicted on Rogues and Vagabonds, and to adjudge such Person, if in *Scotland* or *Ireland*, to be imprisoned with hard Labour in any Prison or House of Correction for any Period not exceeding Three Months; and any Recruit who shall designedly make any false Representation of any Particular contained in the Oaths and Certificates in the Schedule to this Act annexed before the Justice at the Time of his Attestation, and shall obtain any Enlisting Money, or any Bounty for entering into Her Majesty's Service, or any other Money, shall be deemed guilty of obtaining Money under false Pretences, within the true Intent and Meaning, if in *England*, of an Act passed in the Session holden in the Seventh and Eighth Years of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to Larceny and other Offences connected therewith*, and if in *Ireland*, of an Act passed in the Ninth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* Ireland *relative to Larceny and other Offences connected therewith*, and such Recruit, if in *Scotland*, shall be deemed guilty of Falsehood, Fraud, and wilful Imposition, and any such Recruit shall be tried for any such Offence in any County or Place where he may at any Time happen to be; and the Production of such Certificate, and Proof of the Handwriting of the Justice giving such Certificate, shall be sufficient Evidence of such Party having represented the several Particulars contained in the Oath sworn by him, and specified in the Certificate of the Justice at the Time of his having been attested; and that Proof by the Oath of One or more credible Witnesses that the Person so prosecuted hath voluntarily acknowledged that at the Time of his Enlistment he belonged to the Militia, or to any Regiment in Her Majesty's Service, or to Her Majesty's Navy or Marine or Ordnance, or that he designedly made any false Representation of any Particular contained in the said Oaths and Certificates or either of them before the Justice at the Time of the Attestation of the Person being

7 & 8 G. 4. c. 29.

9 G. 4. c. 55.

being prosecuted, shall be deemed and taken as Evidence of the Fact so by him acknowledged, without Production of any Roll or other Document to prove the same; and such Proof of such Acknowledgment shall be certified to the Secretary of the Admiralty by the Justice before whom such Proof shall have been given; and any Man having been enrolled to serve in the Militia at the Time of offering to enlist into the Marines who shall deny that he is a Militia Man then actually enrolled and engaged to serve, or shall deny to the Justice before whom he shall be attested that he belongs to the Militia, shall, on Conviction thereof before any One Justice in the United Kingdom, either upon the Oath of One Witness or upon his own Confession, or upon the Production of the Attestation and the beforementioned Acknowledgment of such Person, certified by the Secretary of the Admiralty, be committed to the Common Gaol or House of Correction, there to remain without Bail or Mainprize for and during any Time not exceeding Six Calendar Months, over and above any Penalty or Punishment to which such Person so offending may be otherwise liable, and shall from the Day on which his Engagement to serve in the Militia shall end, and not sooner, belong as a Marine to the Division of Her Majesty's Royal Marine Forces into which he has so enlisted: Provided also, that every such Person shall be liable to serve in Her Majesty's Royal Marine Forces in which he has so enlisted during all the Time the Militia to which he shall belong shall remain disembodied, or shall not be called out for Training or Exercise, and shall during all such Time be subject to all the Provisions of this Act, and be liable to be apprehended and dealt with and punished as a Deserter from the Marines if he shall neglect or refuse to join and serve therein.

Penalty on Officers offending as to Enlistment.

LXII. And be it enacted, That every Marine Officer who shall wilfully act contrary to the Provisions of this Act in any respect regarding the enlisting and attesting of Recruits for Her Majesty's Service shall, upon Proof thereof upon Oath by Two Witnesses before a General Court-martial, be cashiered, and disabled to hold any Civil or Military Office or Employment in Her Majesty's Service.

Apprentices enlisting to be liable to serve after the Expiration of their Apprenticeship.

LXIII. And be it enacted, That any Person duly bound as an Apprentice who shall enlist into Her Majesty's Royal Marine Forces, and shall state to the Magistrate before whom he shall be carried and attested that he is not an Apprentice, shall be deemed guilty of obtaining Money by false Pretences within the true Intent and Meaning of the before-recited Acts, if in *England* or in *Ireland*, and of Falsehood, Fraud, and wilful Imposition if in *Scotland*, and shall after the Expiration of his Apprenticeship, whether he shall have been

so convicted and punished or not, be liable to serve as a Marine according to the Terms of the Enlistment, and if on the Expiration of his Apprenticeship he shall not deliver himself up to some Officer authorized to receive Recruits, may be taken as a Deserter from Her Majesty's Royal Marine Forces.

Claims of Masters to Apprentices.

LXIV. And be it enacted, That no Master shall be entitled to claim an Apprentice who shall enlist as a Marine in Her Majesty's Service unless such Master shall, within One Calendar Month next after such Apprentice shall have left his Service, go before some Justice, and take the Oath mentioned in the Schedule to this Act annexed, and at the Time of making his Claim produce to the Officer under whose Command the Recruit shall be the Certificate of such Justice of his having taken such Oath, which Certificate such Justice is required to give in the Form in the Schedule to this Act annexed; nor unless such Apprentice shall have been bound, if in *England*, for the full Term of Seven Years, (not having been above the Age of Fourteen Years when so bound,) and if in *Ireland* or in the *British* Isles, for the full Term of Five Years at the least, (not having been above the Age of Sixteen when so bound,) and if in *Scotland*, for the full Term at least of Four Years, by a regular Contract or Indenture of Apprenticeship, duly extended, signed, and tested, and binding on both Parties by the Law of *Scotland*, prior to the Period of Enlistment, and unless such Contract or Indenture in *Scotland* shall, within Three Months after the Commencement of the Apprenticeship and before the Period of Enlistment, have been produced to a Justice of the Peace of the County in *Scotland* wherein the Parties reside, and there shall have been endorsed thereon by such Justice a Certificate or Declaration signed by him, specifying the Date when and the Person by whom such Contract or Indenture shall have been so produced, which Certificate or Declaration such Justice of the Peace is hereby required to endorse and sign; nor unless any such Apprentice shall, when claimed by such Master, be under Twenty-one Years of Age; provided that any Master of an Apprentice indentured for the Sea Service shall be entitled to claim and recover him in the Form and Manner above directed, notwithstanding such Apprentice may have been bound for a less Term than Seven, Five, or Four Years as aforesaid; provided also, that any such Master who shall give up the Indentures of Apprenticeship within One Month after the enlisting of such Apprentice shall be entitled to receive, to his own Use, so much of the Bounty payable to such Recruit, after deducting therefrom Two Guineas to provide him with Necessaries, as shall not have been paid to such Recruit before Notice given of his being an Apprentice.

LXV. And

LXV. And be it enacted, That no Apprentice claimed by his Master shall be taken from any Division, Detachment, Recruiting Party, or Ship of Her Majesty, except under a Warrant of a Justice residing near and within whose Jurisdiction such Apprentice shall then happen to be, and before whom he shall be carried; and such Justice shall inquire into the Matter upon Oath (which Oath he is hereby empowered to administer), and shall require the Production and Proof of the Indenture, and that Notice of the said Warrant has been given to the Commanding Officer, and a Copy thereof left with some Officer or Non-commissioned Officer of the Party, and that such Person so enlisted declared that he was no Apprentice; and such Justice, if required by such Officer or Non-commissioned Officer, shall commit the Offender to the Common Gaol of the said Place, and shall keep the Indenture to be produced when required, and shall bind over such Person as he may think proper to give Evidence against the Offender, who shall be tried at the next or at the Sessions Immediately succeeding the next General or Quarter Sessions of the County, Division, or Place, unless the Court shall on just Cause put off the Trial; and the Production of the Indenture with the Certificate of the Justices that the same was proved, shall be sufficient Evidence of the said Indenture; and every such Offender in *Scotland* may be tried by the Judge Ordinary in the County or Stewartry in such and the like Manner as any Person may be tried in *Scotland* for any Offence not inferring a Capital Punishment; provided that any Justice not required as aforesaid to commit such Apprentice may deliver him to his Master.

No Apprentice claimed by the Master shall be taken away without a Warrant.

Punishment of Apprentices enlisting.

LXVI. And be it enacted, That it shall be lawful for the Justice before whom any Recruit shall be attested before the Expiration of the Term of Service for which he had been hired by his Master to adjudge to such Recruit a reasonable Proportion of his Wages for the Time he has actually served; and the said Justice shall make an Order for the Payment of the Amount so awarded, and if the same be not paid within Four Days shall issue his Warrant for levying the same by Distress and Sale of the Goods and Chattels of the Master.

Servants enlisting to be entitled to a Portion of their Wages.

LXVII. And whereas certain Marines who have heretofore been duly enlisted, and who have voluntarily taken the Oath of Allegiance and Fidelity, and are now receiving Her Majesty's Pay, have been sworn and attested, but Doubts have arisen whether the Justices before whom the said Marines have been so sworn and attested were the proper Justices to administer to such Marines the Oaths prescribed by the several Acts passed for the Regulation of Her Majesty's Royal Marine Forces while on shore: Be it enacted, That in every Case where any such Marine having been duly enlisted shall have been

Removal of Doubts as to Attestation of Marines.

been so attested and sworn, and shall not have claimed to be discharged on or before the Seventeenth Day of *March* One thousand eight hundred and forty-six, he shall not be entitled to his Discharge by reason of such Informality, but shall be liable to all the Provisions of this Act, and of the Act passed in the last Session of Parliament, for the Regulation of Her Majesty's Royal Marine Forces while on shore, where in force, and shall be entitled to the full Benefit of his past Service, and to all Pay and Pension in respect thereof, to all Intents and Purposes, and in like Manner, as if he had been duly attested and sworn.

Admiralty may order Pay to be withheld.

LXVIII. And be it enacted That it shall also be lawful for the Lord High Admiral, and also for the said Commissioners for executing the Office of Lord High Admiral, to give Orders for withholding the Pay of any Officer or Marine for any Period during which such Officer or Marine shall be absent without Leave, or improperly absent from his Duty, or in case of any Doubt as to the proper Issue of Pay, to withhold it from the Parties aforesaid until the said Lord High Admiral or the said Commissioners shall come to a Determination upon the Case.

Billeting of Marines.

LXIX. And whereas there is and may be Occasion for the marching and also for the quartering of the Royal Marine Forces when on shore: Be it enacted, That during the Continuance of this Act, upon the Order or Orders in Writing in that Behalf under the Hand of the Lord High Admiral, or the Hands of Two or more of the Commissioners for executing the Office of Lord High Admiral, for the Time being, or upon the Order or Orders in Writing in that Behalf under the Hand of any Colonel Commandant or Commanding Officer of any Division of Royal Marines, it shall be lawful for all Constables and other Persons specified in this Act in *England* and *Ireland*, and they are hereby required, to billet the Officers and Marines, whether marching or otherwise, and all Staff and Field Officers Horses, and all Bat and Baggage Horses belonging to the Royal Marine Forces, when on actual Service, not exceeding for each Officer the Number for which Forage is or shall be allowed by Her Majesty's Regulations, in Victualling Houses and other Houses specified in this Act, taking care in *Ireland* not to billet less than Two Men in any One House; and they shall be received by the Occupiers of such Houses, and be furnished by such Victualler with proper Accommodation in such Houses, and with a separate Bed for each Marine, or if any Victualler shall not have sufficient Accommodation in the House upon which a Marine is billeted, then in some good and sufficient Quarters to be provided by such Victualler in the immediate Neighbourhood, and in *England* with Diet and Small Beer, and with Stables, Hay;



and

and Straw for such Horses as aforesaid, paying and allowing for the same the several Rates herein-after provided; and at no Time when Marines are on March shall any of them be billeted above One Mile from the Place mentioned in the Route; and in all Places where Marines shall be billeted in pursuance of this Act, the Officers and their Horses shall be billeted in one and the same House, except in case of Necessity; and the Constables are hereby required to billet all Marines on their March in a just and equal Proportion upon the Keepers of all Houses within One Mile of the Place mentioned in the Route, although some of such Houses may be in the adjoining County, in like Manner in every respect as if such Houses were therein locally situated: Provided always, that nothing herein contained shall be construed to extend to authorize any Constable to billet Marines out of the County to which such Constable belongs when the Constable of the adjoining County shall be present and undertake to billet the due Proportion of Men in such adjoining County; and no more Billets shall at any Time be ordered than there are effective Marines and Horses present to be billeted; all which Billets, when made out by such Constables, shall be delivered into the Hands of the Commanding Officer present, or to the Non-commissioned Officer on the Spot; and if any Person shall find himself aggrieved by having an undue Proportion of Marines billeted in his House, and shall prefer his Complaint, if against a Constable or other Person not being a Justice, to One or more Justices, and if against a Justice, then to Two or more Justices within whose Jurisdiction such Marines are billeted, such Justices respectively shall have Power to order such of the Marines to be removed and to be billeted upon other Persons as they shall see Cause; and when any Horses belonging to the Officers of Her Majesty's Royal Marine Forces shall be billeted upon the Occupiers of Houses who shall have no Stables, then, upon a written Requisition of the Officer commanding such Marines, the Constable is hereby required to billet the Horses upon some other Person having Stables by this Act liable to have Officers and Marines billeted upon them, and any Two or more Justices of the Peace may order a proper Allowance to be paid by the Persons relieved to the Persons receiving such Horses, or to be applied in the furnishing the requisite Accommodation; and the Commanding Officer may exchange any Man or Horse billeted in any Place with another Man or Horse billeted in the same Place, for the Convenience or Benefit of the Service, provided the Number of Men and Horses do not exceed the Number at that Time billeted on such Houses; and the Constables are hereby required to billet such Men and Horses so exchanged accordingly; and it shall be lawful for any Justice, at the Request of any Officer or Non-commissioned Officer commanding any Marines requiring Billets, to extend any Route, or enlarge

the District within which Billets shall be required, in such Manner as shall appear to be most convenient to Her Majesty's Service: Provided always, that to prevent or punish all Abuses in billeting Marines it shall be lawful for any Justice, within his Jurisdiction, by Warrant or Order under his Hand to require any Constable to give him an Account in Writing of the Number of Officers and Marines who shall be quartered by such Constable, together with the Names of the Persons upon whom such Officers and Marines are billeted, stating the Street or Place where such Persons dwell, and the Signs, if any, belonging to their Houses; and it shall be lawful for Constables to billet Officers and Marines in *Scotland* according to the Provisions of the Laws in force in *Scotland* at the Time of its Union with *England;* and no Officer shall be obliged to pay for his Lodging where he shall be regularly billeted, except in the Suburbs of *Edinburgh:* Provided always, that no Justice being an Officer of Royal Marines shall directly or indirectly be concerned in billeting or appointing Quarters under this Act.

Allowance to Innkeepers.

LXX. And be it enacted, That the Innholder or other Person on whom any Marine is billeted in *England* shall, if required by such Marine, furnish him for every Day on the March, and for a Period not exceeding Two Days when halted at any intermediate Place upon the March, and for the Day of the Arrival at the Place of final Destination, with One hot Meal in each Day, the Meal to consist of such Quantities of Diet and Small Beer as may be fixed by Her Majesty's Regulations, not exceeding One Pound and a Quarter of Meat previously to being dressed, One Pound of Bread, One Pound of Potatoes or other Vegetables, and Two Pints of Small Beer, and Vinegar, Salt, and Pepper, and for such Meal the Innholder or other Person furnishing the same shall be paid the Sum of Ten-pence; and all Innholders and other Persons on whom Marines may be billeted in *England,* except when on the March, and entitled to be furnished with the hot Meal as aforesaid, shall furnish such Marines with Candles, Vinegar, and Salt, and shall allow them the Use of Fire and the necessary Utensils for dressing and eating their Meat, and shall be paid in consideration thereof the Sum of a Half-penny *per Diem* for each Marine; and the Sum to be paid to the Innholder or other Person on whom any of the Horses belonging to Her Majesty's Royal Marine Forces shall be billeted, in *England,* for Hay and Straw, shall be Nine-pence *per Diem* for each Horse, and in *Ireland* the Sum to be paid for Forage to the Innholder or other Person for Horses billeted by virtue of this Act shall be the Rate established by the Lord Lieutenant or other sufficient Authority from Time to Time, the same to be regulated by the average Rate of Contracts for Forage in *Ireland;* and for the Use of Stables in *Ireland,*



when

when such Horses are provided with Hay and Straw by Contract, and not by the Occupiers of the Houses in which they are billeted, the Sum of Four-pence *per* Week for each Horse shall be paid; and every Officer to whom it belongs to receive or who does actually receive the Pay and Subsistence of the Officers and Men shall every Four Days, or before they shall quit their Quarters if they shall not remain so long as Four Days, settle the just Demands of all Victuallers or other Persons on whom such Men are billeted, out of their Pay and Subsistence, before any Part of the said Pay or Subsistence be distributed to them respectively; and if any such Officer shall not pay the same as aforesaid, then upon Complaint and Oath made thereof by any Two Witnesses before Two Justices of the Peace for the County, Riding, Division, Liberty, City, Borough, or Place where such Quarters were situate, sitting in Quarter or Petty Sessions, the Secretary of the Admiralty is hereby required, upon Certificate of the Justices before whom such Oath shall be made of the Sum due to Complainant, to order Payment of the Amount which shall be charged against such Officer, and in case of any Marines being suddenly ordered to march, and of the Commanding Officer not being enabled to make immediate Payment of the Sums due on account of Billets, every such Officer shall before his Departure make up the Account with every Person upon whom any such Marines may have been billeted, and sign a Certificate thereof; which Account and Certificate, on being transmitted to the Secretary of the Admiralty, shall be immediately paid and charged to the Officer's Account.

**Supply of Carriages.**

LXXI. And be it enacted, That for the regular Provision of Carriages for the Royal Marine Forces and their Baggage on their Marches in *Great Britain* and *Ireland*, all Justices of the Peace within their several Jurisdictions, being duly required thereunto by Order of the said Lord High Admiral, or Two or more of the Commissioners for executing the said Office of Lord High Admiral, for the Time being, or any Colonel Commandant or Commanding Officer of a Division of Royal Marines, shall, on the Production of such Order, or a Copy thereof certified by the Commanding Officer, to them, or any One or more of them, by the Officer or Non-commissioned Officer of the Party of Marines so ordered to march, issue a Warrant to any Constable having Authority to act in any Place from, through, near, or to which such Marines shall be ordered to march, (for each of which Warrants a Fee of One Shilling only shall be paid,) requiring him to provide the Carriages, Horses, Oxen, and Drivers therein mentioned, (allowing sufficient Time to do the same,) specifying the Places from and to which the said Carriages shall travel, and the Distance between the Places, for which Distance only so specified Payment shall be demanded, and which Distance shall not, except in Cases of pressing Emergency, exceed the Day's March prescribed in the

the Order of Route, and shall in no Case exceed Twenty-five Miles; and the Constables receiving such Warrant shall order such Persons as they shall think proper, having Carriages, to furnish the requisite Supply, who are hereby required to furnish the same accordingly; and in case sufficient Carriages cannot be procured within the proper Jurisdiction, any Justice of the next adjoining Jurisdiction shall, by a like Course of Proceeding, supply the Deficiency; and in order that the Burden of providing Carriages may fall equally, and to prevent Inconvenience arising from there being no Justice residing near the Place where Marines may be quartered on the March, the Justice or Justices residing nearest to such Place shall cause a List to be made out, at least once in every Year, of all Persons liable to furnish such Carriages, and of the Number and Description of their said Carriages, which List shall at all seasonable Hours be open to the Inspection of the said Persons, and shall by Warrant under his Hand authorize the Constables within his Jurisdiction to give Orders to provide Carriages without any special Warrant from him for that Purpose, which Orders shall be valid in all respects; and all Orders for such Carriages shall be made from such Lists in regular Rotation, so far as the same can be done.

Rates for Carriages.

LXXII. And be it enacted, That in every Case in which the whole Distance for which any Carriage shall be impressed shall be under One Mile the Rate of a full Mile shall be paid; and the Rates to be paid for Carriages impressed shall be, in *England*, for every Mile which a Waggon with Four or more Horses, or a Wain with Six Oxen or Four Oxen and Two Horses, shall travel, One Shilling; and for every Mile any Waggon with narrow Wheels, or any Cart with Four Horses carrying not less than Fifteen Hundred Weight, shall travel, Nine-pence; and for every Mile every other Cart or Carriage with less than Four Horses, and not carrying Fifteen Hundred Weight, shall travel, Six-pence; and in *Ireland*, for every Hundred Weight loaded on any Wheel Carriage, One Halfpenny *per* Mile; and in *England* such further Rates may be added, not exceeding a total additional Sum *per* Mile of Four-pence, Three-pence, or Two-pence, to the respective Rates of One Shilling, Nine-pence, and Sixpence, as may seem reasonable to the Justices assembled at General Sessions in *England* for their respective Districts, or to the Recorder of any Municipal City, Borough, or Town, Corporate or not Corporate; and the Order of such Justices at Sessions or Recorder shall specify the average Price of Hay and Oats at the nearest Market Town at the Time of fixing such additional Rates, and the Period for which the Order shall be enforced, not exceeding Ten Days beyond the next General Sessions; and no such Order shall be valid unless a Copy thereof, signed by the presiding Magistrate and One other Justice, or by the Recorder, shall be transmitted to the Secretary of the Admiralty within Three Days after the making thereof; and also in *England*, when the

the Day's March shall exceed Fifteen Miles, the Justice granting his Warrant may fix a further reasonable Compensation not exceeding the usual Rate of Hire fixed by this Act; and when additional Rates or Compensation shall be granted, the Justice shall insert in his own Hand in the Warrant the Amount thereof, and the Date of the Order of Sessions, if fixed by Sessions, and the Warrant shall be given to the Officer commanding, as his Voucher: Provided always, that the Officer or Non-commissioned Officer demanding Carriages by virtue of the Warrant of a Justice shall, in *England*, pay down the proper Sums into the Hands of the Constable providing Carriages, who shall give Receipts for the same on unstamped Paper; and, in *Ireland*, the Officers or Non-commissioned Officers as aforesaid shall pay the Owners or Drivers of the Carriages, and One Third Part of such Payment shall be made before the Carriage be loaded, and all the said Payments in *Ireland* shall be made, if required, in Presence of a Justice or Constable: Provided also, that no Carriage shall be liable to carry more than Thirty Hundred Weight in *England*, and in *Ireland* no Car shall be liable to carry more than Six Hundred Weight, and no Dray more than Twelve Hundred Weight; but the Owner of such Carriages in *Ireland*, consenting to carry a greater Weight, shall be paid at the same Rate for every Hundred Weight of the said Excess; and the Owners of such Carriages in *Ireland* shall not be compelled to proceed, though with any less Weight, under the Sum of Three-pence a Mile for each Car and Sixpence a Mile for each Dray; and the Loading of such Carriages in *Ireland* shall be first weighed, if required, at the Expense of the Owner of the Carriage, if the same can be done in a reasonable Time, without Hindrance of Her Majesty's Service; and the providing and paying for Carriages in *Scotland* shall be regulated by the Law in force at the Time of the Union with *England*: Provided also, that a Cart with One or more Horses, for which the Furnisher shall receive Nine-pence a Mile, shall be required to carry Fifteen Hundred Weight at the least; and that no Penalties or Forfeitures in any Act relating to Highways or Turnpike Roads in the United Kingdom shall apply to the Number of Horses or Oxen, or Weight of Loading of the aforesaid Carriages, nor shall any such Carriages on that Account be stopped or detained; and whenever it shall be necessary to impress Carriages for the March of Marines from *Dublin*, at least Twenty-four Hours Notice of such March, and in case of Emergency as long Notice as the Case will admit, shall be given to the Lord Mayor of *Dublin*, who shall summon a proportional Number of Cars and Drays at his Discretion out of the licensed Cars and Drays and other Cars and Drays within the County of the said City, and they shall by Turns be employed on this Duty at the Prices and under the Regulations herein-before mentioned; and no Country Cars, Drays, or

 other

other Carriages coming to Markets in *Ireland* shall be detained or employed against the Will of the Owners in carrying the Baggage of Marines on any Pretence whatever.

Providing for Supply of Carriages, &c. in Cases of Emergency.

LXXIII. And be it enacted, That it shall be lawful for the Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral, or the Lord Lieutenant or Chief Governors of *Ireland*, by their or his Orders distinctly stating that a Case of Emergency doth exist, signified by the Secretary of the Admiralty, or, if in *Ireland*, by the Chief Secretary or Under Secretary, or the First Clerk in the Military Department, to authorize any Commanding Officer of Her Majesty's Royal Marine Forces in any District or Place, or to the chief acting Agents for the Supply of Stores and Provisions, by Writing under his Hand, reciting such Order of the Lord High Admiral, or the said Commissioners, or Lord Lieutenant or Chief Governors aforesaid, to require all Justices within their several Jurisdictions in *England* and *Ireland* to issue their Warrants for the Provision, not only of Waggons, Wains, Carts, and Cars kept by or belonging to any Person and for any Use whatsoever, but also of Saddle Horses, Coaches, Post Chaises, Chaises, and other Four-wheeled Carriages kept for Hire, and also of Boats, Barges, and other Vessels used for the Transport of any Commodities whatsoever upon any Canal or navigable River as shall be mentioned in the said Warrants, therein specifying the Place and Distance to which such Carriages or Vessels shall go; and on the Production of such Requisition, or a Copy thereof certified by the Commanding Officer, to such Justice, by any Officer of the Corps ordered to be conveyed, such Justice shall take all the same Proceedings in regard to such additional Supply so required on the said Emergency as he is by this Act required to take for the ordinary Provision of Carriages; and all Provisions whatsoever of this Act as regards the procuring of the ordinary Supply of Carriages, and the Duties of Officers and Non-commissioned Officers, Justices, Constables, and Owners of Carriages in that Behalf, shall be to all Intents and Purposes applicable for the providing and Payment according to the Rates of Posting or of Hire usually paid for such other Description of Carriages or Vessels so required on Emergency, according to the Length of the Journey or Voyage in each Case, but making no Allowance for Post Horse Duty, or Turnpike, Canal, River, or Lock Tolls, which Duty or Tolls are hereby declared not to be demandable for such Carriages and Vessels while employed in such Service or returning therefrom; and it shall be lawful to convey thereon not only the Baggage, Provisions, and Military Stores of such Detachment, but also the Officers, Marines, Servants, Women, Children, and other Persons of and belonging to the same.

LXXIV. And

LXXIV. And be it enacted, That it shall be lawful for the Justices of the Peace assembled at their Quarter Sessions to direct the Treasurer to pay, without Fee, out of the Public Stock of the County or Riding, or if such public Stock be insufficient then out of the Monies which the said Justices shall have Power to raise for that Purpose, in like Manner as for County Gaols and Bridges, such reasonable Sums as shall have been expended by the Constables within their respective Jurisdictions for Carriages and Vessels, over and above what was or ought to have been paid by the Officer requiring the same, regard being had to the Season of the Year and Condition of the Ways by which such Carriages and Vessels are to pass.

Justices of Peace to direct Payment of Sums expended for Carriages, &c.

LXXV. And be it enacted, That it shall be lawful for the said Lord Lieutenant or other Chief Governor for the Time being of *Ireland* to depute, by Warrant, under his Hand and Seal, some proper Person to sign Routes in Cases of Emergency for the marching of any of Her Majesty's Royal Marine Forces in *Ireland* in the Name of such Lord Lieutenant or Chief Governor.

Lord Lieutenant of Ireland may depute Persons to sign Routes.

LXXVI. And be it enacted, That all Officers and Marines, being in proper Uniform, Dress or Undress, and their Horses, (but not when passing in any private or hired Vehicle,) and all Recruits marching by Route, and all Prisoners under Military Escort, and all Carriages and Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when employed in conveying Persons or Baggage, or returning therefrom, shall be exempted from the Payment of any Duties and Tolls on embarking or disembarking from or upon any Pier, Wharf, Quay, or Landing Place, or passing Turnpike Roads or Bridges, otherwise demandable by virtue of any Act already made or hereafter to be made; and if any Toll Collector shall demand or receive Toll from any Marine Officer or Marine who shall be in proper Uniform, Dress or Undress, or for their Horses, and who by this Act is exempted from Payment thereof, or from any Recruits marching by Route, or from any Prisoners under Military Escort, or for any Carriages or Horses belonging to Her Majesty, or employed in Her Service, under the Provisions of this Act, when conveying Persons or Baggage, or returning therefrom, every such Collector shall for every such Offence be liable to a Penalty not exceeding Five Pounds; provided that nothing herein contained shall exempt any Boats, Barges, or other Vessels employed in conveying the said Persons, Horses, Baggage, or Stores along any Canal from Payment of Tolls in like Manner as other Boats, Barges, and Vessels are liable thereto, except when employed in Cases of Emergency as herein mentioned; and that when any Officers or Marines on Service shall have Occasion in the March by Route to pass

Exemption from Tolls.

pass regular Ferries in *Scotland*, the Officer commanding shall be at liberty to pass over with his Marines as Passengers, paying for himself and each Marine One Half only of the ordinary Rate payable by Passengers, or he shall be at liberty to hire the Ferry Boat for himself and his Party, debarring all others for that Time, and shall in such Case pay only Half the ordinary Rate for such Boat.

Marching Money on Discharge.

LXXVII. And be it enacted, That every Marine upon being discharged from the Service shall be entitled to an Allowance (not exceeding in any Case the Amount of Twenty-one Days Marching Money) to enable him to reach his Home, or the Place at which he shall at the Time of his Discharge decide to take up his Residence, such Place not being at a greater Distance from the Place of his Discharge than the Place of his original Enlistment, which Allowance shall be calculated according to the Distance he has to travel: Provided always, that no Person who shall purchase his own Discharge, or be discharged on account of Misbehaviour, or at his own Desire, before the Expiration of his Period of Service, shall be entitled to any such Allowance.

Notification to Parishes of good or bad Conduct of Marines.

LXXVIII. And be it enacted, That the Churchwardens of every Parish in *England* and *Ireland*, and the Constable or other Officer of every Parish or Place in *Scotland*, on receiving a Notification from the Secretary of the Admiralty of the Name of any Marine belonging to the said Parish or Place who has for meritorious Conduct received Her Majesty's special Approbation, or who in consequence of Misconduct has been dismissed Her Majesty's Service with Disgrace, shall affix to and leave such Notification on the Outside of the Door of the Church or Chapel belonging to such Parish or Place on the *Sunday* next succeeding the Receipt of such Notification.

Penalties upon Civil Subjects offending against the Laws relating to Billets and Carriages.

LXXIX. And be it enacted, That if any Constable or other Person who by virtue of this Act shall be employed in billeting any Officers or Marines in any Part of the United Kingdom shall presume to billet any such Officer or Marine in any House not within the Meaning of this Act, without the Consent of the Owner or Occupier thereof; or shall neglect or refuse to billet any Officer or Marine on Duty when thereunto required, in such Manner as is by this Act directed, provided sufficient Notice be given before the Arrival of such Marines; or shall receive, demand, or agree for any Money or Reward whatsoever, in order to excuse any Person from receiving any such Officer or Marine; or shall quarter any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any such Houses against the Consent of the Occupiers; or shall neglect or refuse to execute such

Warrants of the Justices as shall be directed to him for providing Carriages, Horses, or Vessels, or shall demand more than the legal Rates for the same; or if any Person ordered by any Constable in manner herein-before directed to provide Carriages, Horses, or Vessels shall refuse or neglect to provide the same according to the Orders of such Constable, or shall demand more than the legal Rates for the same, or shall do any Act or Thing by which the Execution of any Warrants for providing Carriages, Horses, or Vessels shall be hindered; or if any Person liable by this Act to have any Officer or Marine quartered on him shall refuse to receive any such Officer or Marine, or to afford him proper Accommodation or Diet in the House of such Person in which he is quartered, or to furnish the several Things directed to be furnished to Officers and Marines, or shall neglect or refuse to furnish good and sufficient Stables, together with good and sufficient Hay and Straw for each Horse, at the Rate established by this Act, and in such Quantities as shall be fixed by Her Majesty's Regulations, not exceeding Eighteen Pounds of Hay and Six Pounds of Straw *per Diem* for each Horse, or shall pay any Sum of Money to any Marine on the March in lieu of furnishing in Kind the Diet and Small Beer to which such Marine is entitled; such Constable, Victualler, and other Person respectively shall forfeit for every Offence, Neglect, or Refusal any Sum not exceeding Five Pounds nor less than Forty Shillings.

**Penalty upon Officers of Marines so offending.**

LXXX. And be it enacted, That if any Officer of Royal Marines shall take upon him to quarter Men otherwise than is allowed by this Act, or shall use or offer any Menace or Compulsion to or upon any Justice, Constable, or other Civil Officer tending to deter and discourage any of them from performing any Part of their Duty under this Act, or to do anything contrary thereto, such Officer shall for every such Offence, being thereof convicted before any Two or more Justices of the County by the Oath of Two credible Witnesses, be deemed and taken to be *ipso facto* cashiered, and shall be utterly disabled to hold any Military Employment in Her Majesty's Service; provided a Certificate thereof be forthwith transmitted by the said Justices to the Secretary of the Admiralty, and that the Conviction be affirmed at some Quarter Sessions of the Peace for the said County to be held next after the Expiration of Three Months after such Certificate shall have been transmitted as aforesaid; and if any Marine Officer shall take or knowingly suffer to be taken any Money or Reward of any Person for excusing the quartering of Officers or Marines, or shall billet any of the Wives, Children, Men or Maid Servants of any Officer or Marine in any House against the Consent of the Occupier, he shall for any of the said Offences, upon being convicted thereof before a General Court-martial, be cashiered; and if any Officer shall

constrain any Carriage to travel beyond the Distance specified in the Justice's Warrant, or shall not discharge the same in due Time for their Return home on the same Day if it be practicable, except in the Case of Emergency, for which the Justice shall have given Licence, or shall compel the Driver of any Carriage to take up any Marine or Servant (except such as are sick) or any Woman to ride therein, except in Cases of Emergency as aforesaid, or shall force any Constable, by threatening Words, to provide Saddle Horses for himself or Servants, or shall force Horses from their Owners, or in *Ireland* shall force the Owner to take any Loading until the same shall be first duly weighed, if the same shall be required and can be done within a reasonable Time, or shall, contrary to the Will of the Owner or his Servant, permit any Person whatsoever to put any greater Load upon any Carriage than is directed by this Act, he shall forfeit for every Offence any Sum not exceeding Five Pounds not less than Forty Shillings.

**Penalty for forcible Entry.**

LXXXI. And be it enacted, That every Marine Officer who shall, without Warrant from One or more of Her Majesty's Justices, forcibly enter into or break open the Dwelling House or Outhouses of any Person whomsoever, under Pretence of searching for Deserters, shall, upon due Proof thereof, forfeit the Sum of Twenty Pounds.

**Penalty for purchasing Clothes, &c. from any Marine.**

LXXXII. And be it enacted, That any Person who shall detain, buy, or exchange, or otherwise receive from any Marine or Marine Deserter, or any other Person, upon any Account or Pretence whatsoever, or shall solicit or entice any Marine, or shall be employed by any Marine, knowing him to be such, to sell any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, or who shall have in his or her Possession or Keeping any Arms, Ammunition, Marine Clothes, or Military Furniture, or any other Articles which, according to the Custom of the Marine Corps, are generally deemed Regimental Necessaries, or any Provisions, Sheets, or other Articles used in Barracks or provided under Barrack Regulations, and shall not give a satisfactory Account how he or she came by the same, or shall change or cause the Colour or Mark of any such Clothes, Appointments, or Necessaries to be changed or defaced, shall forfeit for every such Offence any Sum not exceeding Twenty Pounds, together with Treble the Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person having been so convicted shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices



of

of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Twenty Pounds but not less than Five Pounds, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture, be committed to the Common Gaol or House of Correction, there to be imprisoned only, or to be imprisoned and kept to hard Labour, for such Term not exceeding Six Calendar Months as the convicting Justice or Justices shall think fit, and upon any Information against any Person for a Second or any subsequent Offence, a Copy of the Conviction certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence; and if any credible Person shall prove, on Oath before a Justice of the Peace or Person exercising like Authority according to the Laws of that Part of Her Majesty's Dominions in which the Offence shall be committed, a reasonable Cause to suspect that any Person has in his or her Possession or on his or her Premises any Property of the Description hereinbefore described, on or with respect to which any such Offence shall have been committed, the Justice may and he is hereby required to grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice, to be dealt with according to Law.

Penalty on unlawful recruiting.

LXXXIII. And be it enacted, That all the Persons (except such Recruiting Parties as may be stationed under Military Command) who shall cause to be advertised, posted, or dispersed Bills for the Purpose of procuring Recruits or Substitutes for the Royal Marines, or shall open or keep any House or Place of Rendezvous or Office, or receive any Person therein under such Bill or Advertisement as connected with the Marine Recruiting Service, or shall directly or indirectly interfere therewith, without Permission in Writing from the Lord High Admiral, or the said Commissioners for executing the Office of Lord High Admiral, shall forfeit for every such Offence the Sum of Twenty Pounds.

Penalty on Officers killing Game.

LXXXIV. And for the better Preservation of the Game and Fish in or near such Place where any Officer shall at any Time be quartered, be it enacted, That every Officer who shall, without Leave in Writing from the Person or Persons entitled to grant such Leave, take, kill, or destroy any Game or Fish within the United Kingdom, and who upon Complaint thereof shall be, upon Oath of One or more credible Witness

Witness or Witnesses, convicted before any Justice, shall for every such Offence forfeit the Sum of Five Pounds.

Limitation of Actions.

LXXXV. And be it enacted, That if any Action shall be brought against any Member or Members of a Court-martial to be assembled under the Authority of this Act, in respect of the Proceedings or the Sentence thereof, or against any other Person, for anything done in pursuance or under the Authority of this Act, the same shall be brought in some one of the Courts of Record at *Westminster* or *Dublin*, or in the Court of Session in *Scotland*, and shall be commenced within Six Months next after the Cause of Action shall arise, and that it shall be lawful for the Defendant or Defendants therein to plead thereto the General Issue, and to give all special Matter in Evidence, on the Trial, and if the Verdict shall be for the Defendant in any such Action, or if the Plaintiff shall become nonsuit or suffer any Discontinuance thereof, or if, in *Scotland*, the Court shall see fit to assoilzie the Defendant or dismiss the Complaint, the Court in which the Matter shall be tried shall allow the Defendant Treble Costs, for the Recovery of which he shall have the like Remedy as in other Cases where Costs by the Laws of this Realm are given to Defendants.

Recovery of Penalties.

LXXXVI. And be it enacted, That all Offences for which any pecuniary Penalty or Forfeiture not exceeding Twenty Pounds, over and above any Forfeiture of Value or Treble Value, is by this Act imposed, shall and may be heard and determined by any Justice of the Peace in or near to the Place where the Offence shall be committed, or where the Offender may at any Time happen to be; and all such Penalties and Forfeitures, and Forfeiture of Value and Treble Value, and also the reasonable Costs attending the Prosecution, to be duly ascertained and awarded by such Justice, shall and may be enforced and recovered in the same Manner as any pecuniary Penalties may be recovered under the Provisions of an Act passed in the Twelfth Year of the Reign of Her Majesty, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders;* provided always, that in all Cases in which there shall not be sufficient Goods whereon any Penalty or Forfeiture can be levied, the Offender may be committed and imprisoned, with or without hard Labour, for any Time not exceeding Six Calendar Months; which said recited Act shall be used and applied in *Scotland* for the Recovery of all such Penalties and Forfeitures as fully to all Intents as if the said recited Act had extended to *Scotland*, anything in the said recited Act to the contrary notwithstanding; and all such Offences committed in the *British* Isles, or in any of Her

11 & 12 Vict. c. 43.

Her Majesty's Dominions beyond the Seas, may be determined, and the Penalties and Forfeitures of Value or Treble Value recovered, before any Justices of the Peace or Persons exercising like Authority, according to the Laws of Her Majesty's Dominions in which the Offence shall be committed; and all Penalties and Forfeitures by this Act imposed exceeding Twenty Pounds shall be recovered by Action in some of the Courts of Record at *Westminster* or in *Dublin*, or in the Court of Session in *Scotland*, and in no other Court in the United Kingdom, and may be recovered in the *British* Isles, or in any other Part of Her Majesty's Dominions, in any of the Royal or Superior Courts of such Isles or other Parts of Her Majesty's Dominions.

Appropriation of Penalties.

LXXXVII. And be it enacted, That one Moiety of every such Penalty or Forfeiture, not including any Treble Value of any Articles, shall go to the Person who shall inform or sue for the same, and the other Moiety, together with the Treble Value of such Articles, or where the Offence shall be proved by the Person who shall inform, then the whole of the Penalty and such Treble Value, shall be paid over and applied in such Manner as the Lord High Admiral or the Commissioners for executing the Office of Lord High Admiral shall direct; anything in an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, or in any other Act or Acts of Parliament, to the contrary notwithstanding; and every Justice who shall adjudge any Penalty under this Act shall, within Four Days thereafter at the furthest, report the same, and his Adjudication thereof, to the Secretary of the Admiralty.

5 & 6 W. 4. c. 76.

Licences of Canteens.

LXXXVIII. And be it enacted, That it shall be lawful for any Two Justices of the Peace, within their respective Jurisdictions, to grant or Transfer any Licence for selling by Retail any Spirit, Beer, Wine, Cider, or Perry to any Person or Persons applying for the same who shall hold any Canteen under any Lease thereof, or by Agreement with any Department or other Authority under the said Lord High Admiral, or the Commissioners for executing the Office of Lord High Admiral for the Time being, without regard to the Time of Year, or any Notices or Certificates required by any Act in respect of such Licences; and the Commissioners of Excise or their proper Officers within their respective Districts shall also grant or transfer any such Licence as aforesaid; and such Persons holding such Canteens, and having such Licences as aforesaid, may sell therein Victuals, and all such exciseable Liquors as they shall be licensed and empowered to sell, without being subject for so doing to any Penalty or Forfeiture whatever.

Mode of recording a Marine's Settlement.

LXXXIX. And be it enacted, That any Justice in the United Kingdom, within whose Jurisdiction any Marine shall be quartered on shore, may summon such Marine before him, which Summons such Marine is hereby required to obey, and take his Examination in Writing upon Oath touching the Place of his last legal Settlement in *England;* and such Justice shall give an attested Copy of such Examination to the Person so examined, to be by him delivered to his Commanding Officer, to be produced when required; which said Examination and such attested Copy shall be at any Time admitted in Evidence as to such legal Settlement before any Justice or at any General or Quarter Sessions of the Peace, although such Marine be dead or absent from the Kingdom: Provided always, that in case any Marine shall be again summoned to make Oath as aforesaid, then, on such Examination or such attested Copy being produced, such Marine shall not be obliged to make any other or further Oath with regard to his legal Settlement, but shall leave with such Justice a Copy of such Examination or a Copy of such attested Copy of Examination, if required.

Administration of Oaths.

Perjury.

XC. And be it enacted, That all Oaths and Declarations which are authorized or required by this Act may be administered (unless where otherwise provided) by any Justice of the Peace or Magistrate acting as such; and that any Person giving false Evidence or taking a false Oath or Declaration in any Case wherein an Oath or Declaration is authorized or required to be taken by this Act, and being thereof duly convicted, shall be deemed guilty of wilful and corrupt Perjury, and shall be liable to such Pains and Penalties as Persons convicted of wilful and corrupt Perjury are or may be subject and liable to.

Definition of Terms.

XCI. And be it enacted, That all Clauses and Provisions in this Act contained relating to *England* shall be construed to extend to *Wales* and the Town of *Berwick-upon-Tweed;* and all Clauses and Provisions relating to Marines shall be construed to include Non-commissioned Officers and Drummers, unless when otherwise provided; and all Clauses and Provisions relating to Justices shall be construed to extend to all Magistrates authorized to act as such in their respective Jurisdictions; and all the Powers given to and Regulations made for the Conduct of Constables, and all Penalties and Forfeitures for any Neglect thereof, shall extend to all Tithingmen, Headboroughs, and such like Officers, and Inspectors or other Officers of Police, and High Constables, and other chief Officers and Magistrates of Cities, Towns, Villages, and Places in *England* and *Ireland*, and to all Justices of the Peace, Magistrates of Burghs, Commissioners of Police, and other chief Officers and Magistrates of Cities, Towns, Villages, Parishes, and Places in *Scotland*, who shall act in the Execution of this Act;

Act; and all Provisions for billeting Marines in Victualling Houses shall extend and apply to all Inns, Livery Stables, Alehouses, and to the Houses of Sellers of Wine by Retail, whether *British* or Foreign, to be drank in their own Houses or Places thereunto belonging, to all Houses of Persons licensed to sell Beer, Ale, Porter, Cider, or Perry by Retail, to be consumed or drank in their Dwelling Houses or Premises, and to all Houses of Persons selling Brandy, Strong Waters, Cider, or Metheglin, by Retail, in *England* and *Ireland*; and in *Ireland*, when there shall not be found sufficient Room in such Houses, then Marines may be billeted in such Manner as has been heretofore customary: Provided always, that no Officer or Marine shall be billeted in *England* in any private Houses or in any Canteen held or occupied under the Authority of the Ordnance or Marine Department, or upon Persons who keep Taverns only being Vintners of the City of *London* admitted to their Freedom of that Company in right of Patrimony or Apprenticeship, notwithstanding such Persons who keep such Taverns only have taken out Victualling Licences; nor in the House of any Distiller kept for distilling Brandy and Strong Waters; nor in the House of any Shopkeeper whose principal Dealings shall be more in other Goods and Merchandize than in Brandy and Strong Waters, so as such Distillers and Shopkeepers do not permit Tippling in such Houses; nor in the House or Residence in any Part of the United Kingdom of any Foreign Consul duly credited as such.

Marines not to be billeted in private Houses, &c.

XCII. And be it enacted, That this Act shall continue in force within *Great Britain* from the Twenty-fifth Day of *April* One thousand eight hundred and forty-nine until the Twenty-fifth Day of *April* One thousand eight hundred and fifty inclusive; and within *Ireland*, and in *Jersey*, *Guernsey*, *Alderney*, *Sark*, and the *Isle of Man*, and the Islands thereto belonging, from the First Day of *May* One thousand eight hundred and forty-nine until the First Day of *May* One thousand eight hundred and fifty inclusive; and within the Garrison of *Gibraltar*, and in *Spain* and *Portugal*, from the Twenty-fifth Day of *July* One thousand eight hundred and forty-nine until the Twenty-fifth Day of *July* One thousand eight hundred and fifty inclusive; and in all other Parts of *Europe* where Royal Marine Forces may be serving, and the *West Indies* and *North America* and *Cape of Good Hope*, from the Twenty-fifth Day of *September* One thousand eight hundred and forty-nine until the Twenty-fifth Day of *September* One thousand eight hundred and fifty inclusive; and in all other Places from the Twenty-fifth Day of *November* One thousand eight hundred and forty-nine until the Twenty-fifth Day of *November* One thousand eight hundred and fifty inclusive.

Duration of Act.

XCIII. And

Act may be amended.

XCIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

## SCHEDULE referred to by this Act.

### Form of Oaths to be taken by Members of Courts-martial.

YOU shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I do swear, That I will truly administer Justice, according to the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces, and according to an Act now in force for the Regulation of the said Forces while on shore, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases; and I further swear, That I will not divulge the Sentence of the Court until it shall be duly approved; neither will I, upon any Account, at any Time whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law.

So help me GOD.

### Form of Oath of Judge Advocate.

I do swear, That I will not, upon any Account whatsoever, disclose or discover the Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law; and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved.

So help me GOD.

QUESTIONS to be separately put by the JUSTICE to a RECRUIT.

1. What is your Name?
2. In what Parish, and in or near what Town, and in what County, were you born?
3. What is your Age?
4. What is your Trade or Calling?
5. Are you an Apprentice?
6. Are you married?
7. Are you ruptured or lame; have you ever been subject to Fits; or have you any Disability or Disorder which impedes the free Use of your Limbs, or unfits you for ordinary Labour?
8. Are you willing to be attested to serve in the Royal Marine Forces for the Term of [*this Blank to be filled up by the Justice with* "Twelve Years," *if the Person enlisted is of the Age of Eighteen Years or upwards, but if under that Age then the Difference between his Age and Eighteen is to be added to such Twelve Years*], provided Her Majesty should so long require your Services, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station?
9. At what Place, on what Day, at what Hour of the Day, and where and by whom were you enlisted?
10. For what Bounty did you enlist?
11. Have you any Objection to make to the Manner of your Enlistment?
12. Do you now belong to the Militia?
13. Do you belong to any Regiment, or to the Marines, Ordnance, or Navy, or to the Forces of the East India Company?
14. Have you ever served in the Army, Marines, Ordnance, or Navy, or in the Forces of the East India Company?
15. Have you ever been rejected as unfit for Her Majesty's Service, or for the Service of the East India Company, upon any prior Enlistment?

*Note.*—The Magistrate is directed in putting the Twelfth Question to the Recruit, and before he receives his Answer, distinctly to apprize the Recruit that if he belongs to the Militia, and denies the Fact, he is liable to Six Months Imprisonment.

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OATH to be taken by a RECRUIT on Attestation.

I do make Oath, That the above Questions have been separately put to me, that the Answers thereto have been read over to me, and that they are the same that I gave, and are true.

I do also make Oath, That I will be faithful and bear true Allegiance to Her Majesty, Her Heirs and Successors; and that I will, as in Duty bound, honestly and faithfully defend Her Majesty, Her Heirs

 and

and Successors, in Person, Crown, and Dignity, against all Enemies; and will observe and obey all Orders of Her Majesty, Her Heirs and Successors, and of the Generals and Officers set over me.

So help me GOD.

Witness my Hand,

_____ *Signature of the Recruit.*

_____ *Witness present.*

Sworn before me at this Day of One thousand eight hundred and at o'Clock.

_____ *Signature of the Justice.*

---

CERTIFICATE to be given by the JUSTICE.

*Description of*

Age, apparently

Height, Feet Inches.

Complexion,

Eyes,

Hair,

*Any distinctive Mark.*

to wit. } I one of Her Majesty's Justices of the Peace at do hereby certify, That the above is the Description of the Recruit ; and in my Presence all the foregoing Questions were put to the said that the Answers written opposite to them are those which he gave to me; and that the Thirtieth and Thirty-sixth Articles of the Rules and Articles for the better Government of Her Majesty's Royal Marine Forces while on shore, against Mutiny and Desertion, were read over to him; that he took the Oath of Allegiance and Fidelity; that he received the Sum of on being attested this Day; that he was not attested until Twenty-four Hours had elapsed after he received Enlisting Money; that [*this Blank is to be supplied by the Words* "the Place where he swears that he enlisted is in the Vicinity of my Residence," *or by the Words* "the Place where he swears that he enlisted is within the Division, District, or Place for which I act," *or by the Words* "I am acting within the Division, District, or Place where the Head Quarters of the Recruiting Party is stationed," *as the Case may be*]; that I am not an Officer in the Marines, and that I have given him a Duplicate of this Certificate signed with my Name.

_____ *Signature of the Justice.*

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DECLARATION

DECLARATION to be made by a MARINE renewing his Service.

I do declare, That I am at present [*or* was, *as the Case may be,*] in the Division of the Royal Marine Forces; that I enlisted on the Day of for a Term of Years; that I am of the Age of Years; and that I will serve Her Majesty, Her Heirs and Successors, as a Marine, for a further Term of Years [*to be filled up with* Twelve Years, *and in the Case of a Marine about to embark for Foreign Service, with such Number of Years as shall be required to complete a total Service of Twenty-four Years*], provided my Services should so long be required, and also for such further Term, not exceeding Two Years, as shall be directed by the Commanding Officer on any Foreign Station.

Declared before me

*Signature of Marine.*

*Signature of Witness.*

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FORM of OATH to be taken by a MASTER whose Apprentice has absconded.

I of do make Oath, That I am by Trade a , and that was bound to serve as an Apprentice to me in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said did on or about the Day of last abscond and quit my Service without my Consent, and that to the best of my Knowledge and Belief the said is aged about Years. Witness my Hand at the Day of One thousand eight hundred and

Sworn before me at this Day of One thousand eight hundred and

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FORM of JUSTICE'S CERTIFICATE to be given to the MASTER of an Apprentice.

to wit. } I one of Her Majesty's Justices of the Peace of certify, That of came before me at the Day of One thousand eight hundred and , and made Oath that he was by Trade a , and that was bound to serve as an Apprentice to him in the said Trade, by Indenture dated the Day of , for the Term of Years; and that the said Apprentice did on or about the Day of abscond and quit the Service of the said without his Consent; and that to the best of his Knowledge and Belief the said Apprentice is aged about Years.

---

DESCRIPTION

*Marine Mutiny.*

DESCRIPTION RETURN of committed to Confinement at on the Day of as Deserter from the Royal Marines.

| | |
|---|---|
| Age - - - - - | |
| Height - - - - | Feet. Inches. |
| Complexion - - - - | |
| Hair - - - - - | |
| Eyes - - - - | |
| Marks - - - - | |
| Probable Date of Enlistment, and where - | |
| Probable Date of Desertion, and from what Place - - - - | |
| Name and Occupation and Address of the Person by whom apprehended - | |
| Particulars of the Evidence on which the Prisoner is committed - | |
| Whether the Prisoner was apprehended or voluntarily surrendered himself as a Deserter - - - | |
| Whether the Prisoner confessed before the Magistrate that he is a Deserter | |

* It is important for the Public Service, and for the Interest of the Deserter, that this Part of the Return should be accurately filled up, and the Details should be inserted by the Magistrate in his own Handwriting, or, under his Direction, by his Clerk.

I do hereby certify, that the Prisoner has been duly examined before me as to the Circumstance herein stated, and has declared in my Presence that he † a Deserter from the above-mentioned Corps.

——— *Signature and Address of Magistrate.*

——— *Signature of Prisoner.*

——— *Signature of Informant.*

† Insert "is" or "is not," as the Case may be.

I certify, that I have inspected the Prisoner, and consider him ‡ for Military Service.

——— *Signature of Military Medical Officer, or of Private Medical Practitioner.*

‡ Insert "fit" or "unfit," as the Case may be, and if unfit, state the Cause of Unfitness.

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ANNO DUODECIMO

# VICTORIÆ REGINÆ.

***

Agreement entered into by the Proprietor, Manager, or Superintendent of such House or Establishment, or on his Behalf, with any Guardians, Overseers, or other Persons having the ordering or Management of the Poor in any Union or Parish, or for the Education of any poor Children therein, in like Manner and to the same Extent as the said Commissioners are by Law empowered to do in the Case of any Workhouse belonging to any Union or Parish; and all such Rules, Orders, and Regulations shall have the like Effect as other Rules, Orders, and Regulations of the said Commissioners, and shall be obeyed accordingly, with the like Penalties on any Neglect or Disobedience thereof, to be enforced upon summary Conviction, as Penalties under the Act of the Fifth Year of His late Majesty King *William* the Fourth, intituled *An Act for the Amendment and better Administration of the Laws relating to the Poor in* England *and* Wales, may now be enforced.

4 & 5 W. 4. c. 76.

Nothing herein to extend to Lunatic Asylums and Hospitals.

II. Provided nevertheless, and be it enacted, That nothing herein contained shall extend to any County Lunatic Asylum or Hospital registered or House licensed for the Reception of Lunatics, nor to any Hospital, Infirmary, School, or other Institution supported by public Subscriptions, and maintained for Purposes of Charity only.

Rules and Regulations to be directed to the Manager or Officer of the Establishment.

III. And be it enacted, That the said Commissioners may direct their Rules, Orders, and Regulations to any Person being or acting as the Proprietor, Manager, or Superintendent, or as an Officer or Assistant, in any such House or Establishment as aforesaid, and the same shall come into operation so soon as the said Commissioners shall therein declare, and shall be binding upon the Person named therein, and, if they shall so direct, upon every Person who shall afterwards succeed to him in the same Capacity.

Poor Law Board may prohibit the Reception or Retention of Poor in any such House.

IV. And be it enacted, That the said Commissioners shall be empowered, if at any Time they shall see just Cause, to prohibit, by Order under their Seal, the Reception or Retention of any poor Person, or any Class of poor Persons, in any such House or Establishment, and thereupon it shall not be lawful for any such Proprietor, Manager, or Superintendent, or other Officer or Assistant, to receive or retain any poor Person therein, contrary to the Terms of such Order, so long as it shall be in force, nor for any Guardians, Overseers, or other such Persons as aforesaid to send any poor Person to such House or Establishment, contrary to such Order, provided that no such Guardians, Overseers, or other such Persons as aforesaid, nor any Officer of any Union or Parish, shall incur any legal Responsibility in respect of the Neglect of such Order, until a Copy thereof shall have been sent to the Guardians of the Union or Parish, or to the Overseers of the Parish, or other such Persons as aforesaid, in the

the Manner in which Orders of the said Commissioners are now sent to Guardians or Overseers.

V. And be it enacted, That the said Commissioners may, by Order under their Seal, remove from his Office or Service any Officer, Servant, or Assistant in any such House or Establishment whom they shall deem unfit or incompetent to discharge the Duties of his Situation, or who shall at any Time refuse or wilfully neglect to obey and carry into effect any of the Rules, Orders, or Regulations issued by the said Commissioners under their Seal for the Regulation of such House or Establishment, or of the Officers or Inmates thereof; and thereupon such Officer, Servant, or Assistant shall forthwith cease to act in his Office, Service, or Employment, and shall be entitled to claim and recover a rateable Proportion of his Salary, Wages, or other Remuneration up to the Time of his being so removed, but no more, from the Person liable to pay the same, subject to any Defence at Law which may then be open to the Person from whom the same shall be claimed.

Poor Law Board may remove any Officer of such House.

VI. And be it enacted, That the said Commissioners may from Time to Time issue any Order which they may deem necessary for regulating the Mode in which any Contract shall be entered into for the lodging, boarding, or Maintenance of any poor Person, with the Proprietor, Manager, or Superintendent of such House or Establishment as aforesaid, or the Terms or the Duration of any such Contract; and if after the issuing of any such Order any Contract or Agreement be entered into with such Proprietor, Manager, or Superintendent, or any Person on his Behalf, not in accordance with such Order, the same shall be voidable, and, if the said Commissioners shall so direct, the same shall be void and of no Effect; and all Payments made under or in pursuance of any Contract or Agreement not made and entered into in conformity with such Order as aforesaid, at any Time after the said Commissioners shall have declared the same to be void as aforesaid, and shall have given Notice of such Declaration to the Guardians, Overseers, or other such Persons as aforesaid, shall be disallowed in the passing and auditing of their Accounts, or the Accounts of any of their Officers by whom such Payments shall have been made or charged.

Poor Law Board may regulate Contracts.

VII. And be it enacted, That the said Commissioners may, if they think fit, appoint a Person either temporarily or permanently to visit any such House or Establishment, and to inspect the same, and the poor Persons received and maintained therein, and to make a Report to such Commissioners upon any Visit and Inspection; and such Person shall be paid by the Guardians or Overseers, as the Case may be, of the several Unions or Parishes from which poor Persons shall

Persons may be appointed to inspect Houses and the Poor maintained therein.

Remuneration to such Persons.

shall have been sent, and shall be at the Time of such Visitation maintained therein, such Remuneration as the said Commissioners shall by Order under their Seal direct.

Power to Justices to visit Houses.

VIII. And be it enacted, That it shall be lawful for any Justice of the Peace acting in and for the Jurisdiction in which such House or Establishment shall be situated to visit, inspect, and examine the same, at such Times as he shall think proper, for the like Purpose and with the same Power as any Justice has now by virtue of the Act herein-before mentioned of the Fifth Year of His late Majesty in respect of the Workhouse of any Union or Parish; and it shall be lawful for the General Board of Health, where they shall think proper, by Order under the Seal of the said Board and the Hands of any Two or more Members thereof, to authorize a Superintending Inspector to visit and inspect from Time to Time, or at such Time or Times as such Board shall direct, any such House or Establishment, and to ascertain the State and Condition of the same, and of the poor People therein, and to report thereon to the Board; and it shall be lawful for such Superintending Inspector accordingly so to visit and inspect, and to ascertain such State and Condition, and to examine any Officer, Servant, Assistant, or Inmate of such House or Establishment in relation thereto; and the Powers and Provisions of the Public Health Act, 1848, in relation to the Examination of Persons for the Purposes of an Inquiry under such Act by a Superintending Inspector, shall extend and be applicable to the Examination of such Officers, Servants, Assistants, and Inmates.

Power to General Board of Health to appoint a Superintending Inspector to visit Houses, and examine Officers, &c.

Interpretation of Act.

IX. And be it enacted, That the several Words used in this Act shall be construed in the same Manner as in the said Act of the Fifth Year of His late Majesty, and the Statutes explaining and amending it, and all the Provisions, Enactments, and Regulations contained in the said Act and the said subsequent Statutes shall be extended to this Act, so far as the same may be applicable, and subject to the Provisions herein contained.

To apply to England and Wales only.

X. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Act may be amended, &c

XI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO

# VICTORIÆ REGINÆ.

## CAP. XIV.

### An Act to enable Overseers of the Poor and Surveyors of the Highways to recover the Costs of distraining for Rates. [11th *May* 1849.]

WHEREAS Provision is already made by Law for the Recovery of the Sum or Sums at which any Person is rated or assessed to the Relief of the Poor, or is rated or assessed in any Rate for the Highways, in *England* or *Wales*, by Distress and Sale of his Goods and Chattels, and in default of such Distress by Commitment to Prison until the same shall be paid; but no Provision is made for levying the Costs and Expenses incurred by the Overseers of the Poor or the Surveyors of Highways in the Recovery of the same respectively: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful hereafter for all Justices of the Peace, if in their Discretion they shall so think fit, in any Warrant of Distress they shall make and issue for the levying of any Sum or Sums to which any Person or Persons is or are now or may hereafter be rated or assessed in or by any Rate or Assessment for the Relief of the Poor or for the Highways in *England* or *Wales*, or in or by any other Rate or Assessment which by Law now or hereafter is or shall be

43 Eliz. c. 2. 5 & 6 W. 4. c. 50.

Where a Warrant of Distress is granted for a Poor Rate or Highway Rate, &c. the Costs of obtaining it may also be levied.

be directed to be enforced or recovered in the same Manner as a Poor Rate, or in any Warrant for the levying of any Arrears of the same, to order that a Sum, such as they may deem reasonable, for the Costs and Expenses which such Overseers or Surveyors, or the Persons applying for such Warrant, shall have incurred in obtaining the same, shall also be levied of the Goods and Chattels of the Person or Persons against whom such Warrant shall be granted, together with the reasonable Charges of the taking, keeping, and selling of the said Distress.

Imprisonment in default of Distress.

43 Eliz. c. 2.

II. And whereas by an Act passed in the Forty-third Year of the Reign of Queen *Elizabeth*, intituled *An Act for the Relief of the Poor*, it is amongst other things enacted, that in default of Distress for a Poor Rate it shall be lawful for Two Justices of the Peace to commit the Party against whom the Distress Warrant shall have issued to the Common Gaol of the County, there to remain without Bail or Mainprize until Payment: And whereas it is desirable to limit the Time within which a Person assessed to a Poor Rate, or any other of the Rates or Assessments aforesaid, may be imprisoned for Nonpayment of the same: Be it therefore enacted, That so much of the said recited Act as relates to the Commitment of any Person to the County Gaol for Nonpayment of any Poor Rate, or for Default of Distress whereon to levy the same, shall be and the same is hereby repealed; and every Person now undergoing any such Imprisonment under or by virtue of the said recited Act shall be discharged from such Imprisonment so soon as he or she shall have been imprisoned Three Calendar Months, or shall sooner pay the Sum or Sums with which he or she is charged; and that hereafter, when to any Warrant of Distress for the levying of any Sum or Sums to which any Person or Persons is or are now or may hereafter be rated or assessed in or by any Rate or Assessment herein-before mentioned it shall be returned by the Constable or Person having the Execution of such Warrant that he could find no Goods or Chattels, or no sufficient Goods or Chattels, whereon to levy such Sum or Sums, together with the Costs of or occasioned by the levying of the same, it shall be lawful for any Two or more Justices of the Peace before whom the same shall be returned, or for any Two or more Justices of the Peace for the same County, Riding, Division, Liberty, City, Borough, or Place, if in their Discretion they shall so think fit, to issue their Warrant of Commitment against the Person with relation to whom such Return shall be so made as aforesaid, in the Form (D.) in the Schedule to this Act annexed, or in any Form to the like Effect, and thereby order such Person to be imprisoned in the Common Gaol or House of Correction for any Time not exceeding Three Calendar Months, unless the Sum or Sums therein mentioned shall

So much of 43 Eliz. c. 2. as relates to Commitments for Nonpayment of Rates, or for Default of Distress, repealed.

Power to order Imprisonment not exceeding Three Months in default of Distress.

be sooner paid; and every such Warrant of Commitment made or issued for Default of Distress as aforesaid shall be made as well for the Nonpayment of the Costs and Expenses so as aforesaid incurred in obtaining such Warrant of Distress, if the same shall be so ordered as aforesaid, and the Costs attending the said Distress, and also the Costs and Charges of taking and conveying the Party to Prison, (the Amount of such several Costs, Expenses, and Charges being stated in such Warrant of Commitment,) as for the Nonpayment of the Sum or Sums alleged to be due for the said Rates respectively.

One Warrant may be issued against several Rate-payers; but otherwise as to a Commitment in default of Distress.

III. And be it enacted, That for the saving of Expense in the levying of any Sum or Sums for Rate and Costs as aforesaid it shall be lawful to make and issue One Warrant of Distress against any Number of Persons neglecting or refusing to pay the same, in the Form in the Schedule to this Act annexed; but nothing herein shall be deemed or construed to authorize Justices in like Manner to grant or issue One Warrant of Commitment against several Persons in default of Distress as aforesaid.

To whom Warrants of Distress or Commitment to be directed.

IV. And be it enacted, That the Warrants aforesaid may be directed to the Churchwardens and Overseers of the Poor, or the Overseers of the Poor, or the Surveyors of the Highways respectively, and to the Constable of the Parish or Township, and to any other Person or Persons, or to any One or more of them, as by the Justices granting the same shall be deemed fit.

Summons, and how served; if not obeyed, the Justices may proceed ex parte.

V. And be it enacted, That every Summons to be issued against any Person for Nonpayment of any Sum for which he or she is or shall be so rated or assessed as aforesaid shall be directed to such Person, and may be in the Form (B.) in the Schedule to this Act annexed, or in any Form to the like Effect; and the same may be served by any Churchwarden or Overseer of the Poor, or Surveyor of the Highways, respectively, or Constable or other Person, to whom it shall be delivered for that Purpose, upon the Person to whom it is so directed, by delivering the same to the Party personally or by leaving the same with some Person for him or her at his or her last Place of Abode; and the Person who shall serve the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose if necessary to the Service of the said Summons; and if, upon the Day and at the Place appointed in and by the said Summons for the Appearance of the Party so summoned, such Party shall fail to appear accordingly in obedience to such Summons, then and in every such Case, if it be proved upon Oath or Affirmation to the Justices then present that such Summons was duly served as aforesaid a reasonable Time before the Time so appointed for his or her Appearance as aforesaid, it shall be lawful for such

such Justices of the Peace in their Discretion, if they shall so think fit, to proceed *ex parte*, in the same Manner to all Intents and Purposes as if such Party had personally appeared before them in obedience to the said Summons.

On Payment or Tender of Rate and Costs Proceedings to cease.

VI. And be it enacted, That in all Cases where any Proceedings have been or shall hereafter be taken to compel Payment of any Sum for which any such Person is or shall be so rated or assessed as aforesaid, if at any Time before such Person shall be committed to and lodged in Prison for Nonpayment thereof, or for or by reason of its being returned to such Warrant of Distress as aforesaid that there are no Goods or Chattels or no sufficient Goods or Chattels of such Person whereon the same may be levied as aforesaid, such Person shall pay or tender to the Churchwardens or Overseers of the Poor, or any of them, or to the Surveyor of Highways respectively, or other Person authorized to collect or receive such Rate, the Sum so sought to be recovered, together with the Amount of all Costs and Expenses up to that Time incurred in the Proceedings so taken to compel Payment thereof as aforesaid, then and in every such Case the Person to whom such Sum and Costs shall be so paid or tendered shall receive the same, and thereupon no further Proceedings for the Recovery of the same shall be had or taken.

Costs already recovered or proceeded for deemed legal.

VII. And be it enacted, That in all Cases where such Costs and Expenses as aforesaid shall have been paid and received, or any Proceedings taken or Imprisonment had for Nonpayment of the same, such Payment and Receipt, and such Proceedings or Imprisonment, shall be deemed legal to all Intents and Purposes, and no Action or other Proceeding shall be had or proceeded in for or in respect of the same.

Forms in Schedule valid.

VIII. And whereas it may be convenient, and save Expense and Litigation, if Forms to be used for the Purpose of levying the Sums aforesaid should be given: Be it enacted, That the Forms in the Schedule to this Act contained, or Forms to the same or the like Effect, shall be deemed good, valid, and sufficient in Law.

Imprisonment for Nonpayment of Church Rate limited.

IX. And whereas it is desirable to limit the Time within which a Person assessed to a Church Rate may be imprisoned for Nonpayment of the same: Be it enacted, That every Person now undergoing any such Imprisonment shall be discharged from such Imprisonment so soon as he or she shall have been imprisoned Three Calendar Months, or shall sooner pay the Sum or Sums with which he or she is charged; and that hereafter no Person shall be imprisoned for the Nonpayment of any Church Rate for any Time exceeding Three Calendar Months.

SCHE-

## SCHEDULE.

(A. 1.)

*Complaint of the Overseers or Surveyors againt One Rate-payer.*

} Be it remembered, That on the Day of
to wit. } in the Year of our Lord the [Churchwardens and Overseers of the Poor, *or* the Surveyors of the Highways] of the Parish of in the County of aforesaid, by *C.D.*, One of the said [Overseers *or* Surveyors], complain to the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], that *A.B.* of the said [*Parish*], being a Person duly rated and assessed to [the Relief of the Poor, *or* the Maintenance of the Highways] of the said Parish, in and by a Rate * made on the Day of in the Year in the Sum of hath not paid the same or any Part thereof, but hath refused so to do: Wherefore the said [Churchwardens and Overseers *or* Surveyors], by *C.D.* aforesaid, pray that the said *A.B.* may be summoned to appear before Two of Her Majesty's Justices of the Peace, to show Cause why he hath not paid and refuses to pay the said Sum.

*C.D.*

Made and exhibited before me
at in the County of
on this Day of 1849.
*E.F.*

*Or*, in and by several Rates made on and on in the several Sums of and of

(A. 2.)

*Complaint against several Rate-payers.*

} Be it remembered, That on the Day of
to wit. } in the Year of our Lord the [Churchwardens and Overseers of the Poor, *or* the Surveyors of the Highways] of the Parish of in the [*County*] of aforesaid, by *C.D.*, One of the said [Overseers *or* Surveyors], complain to the undersigned [*One*] of Her Majesty's

Justices of the Peace in and for the said [*County*], that the several Persons whose Names are mentioned and set out in the Schedule hereunder written, being Persons duly rated and assessed to [the Relief of the Poor, *or* the Maintenance of the Highways] of the said Parish, in and by the Rates in the said Schedule mentioned, in certain Sums set down opposite to their respective Names in the said Schedule, have not respectively paid the said Sums or any Part thereof, but have respectively refused so to do: Wherefore the said [Churchwardens and Overseers, *or* Surveyors], by *C.D.* aforesaid, pray that said several Persons may respectively be summoned to appear before Two of Her Majesty's Justices of the Peace, to show Cause respectively why they have not paid and refuse to pay the said Sums respectively.

SCHEDULE.

| Names of the Rate-payers. | Residence. | Under Rate dated the 1849. | Arrears due under Rate dated the 1848. | Total Sum due. |
|---|---|---|---|---|
| | | £ s. d. | £ s. d. | £ s. d. |
| A. B. - - | (here state it) | 1 7 0 | 1 7 0 | 2 14 0 |
| I. K. - - | - - - | 0 13 0 | - - - | 0 13 0 |
| L. M. - - | - - - | - - - | 0 18 6 | 0 18 6 |
| N. P. - - | - - - | 0 14 3 | 0 14 3 | 1 8 6 |

*C.D.*

Made and exhibited before me
at in the County of
on this Day of 1849.
*E.F.*

(B.)

*Summons upon the Complaint.*

To *A.B.* of

Whereas Complaint hath this Day been made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the [*County*] of by the [Churchwardens and Overseers of the Poor, *or* Surveyors of the Highways] of the Parish of in the said [*County*], that you, being a Person duly rated and assessed to [the Relief of the Poor, *or* the Maintenance of the Highways] of the said Parish, in and by a Rate made on the Day of 1849, in the Sum of hath not paid the

the same or any Part thereof, but hath refused so to do: These are therefore to command you, in Her Majesty's Name, to be and appear on at o'Clock in the Forenoon, at before such Two or more Justices of the Peace for the said [*County*] as may then be there, to show Cause why you have not paid and refuse to pay the same, otherwise you shall be proceeded against by Default as if you had appeared, and be dealt with according to Law.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*E.F.*

---

Take notice, that you have already incurred the under-mentioned Costs; viz.

| | s. | d. |
|---|---|---|
| Clerk to the Justices - - - - | | |
| Overseer [*or* Surveyor], for obtaining the Summons - | | |
| Constable, for serving ditto - - - - | 1 | 0 |
| Ditto, Travelling Expenses at Three-pence per Mile | | |
| Total - | | |

If the Amount of these Charges, together with the Rate claimed, be paid to the Overseer [*or* Surveyor] before the Day on which the Summons is returnable, all further Proceedings will be stopped.

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(C. 1.)

*Warrant of Distress against One Rate-payer.*

To the Overseers of the Poor [*or* to the Surveyors of the Highways] of the Parish of in the [*County*] of and to the Constable of and to all other Peace Officers in the said [*County*].

Whereas on last past a Complaint was made before *E.F.*, One of Her Majesty's Justices of the Peace in and for the [*County*] of by the [Churchwardens and Overseers of the Poor, *or* Surveyors of the Highways] of the Parish of in the said [*County*], that *A.B.*, being a Person duly rated and assessed to the Relief of the Poor [*or* to the Maintenance of the Highways] of the said Parish in and by a Rate made on in the Sum of had not paid the same or any Part thereof, but had refused so to do; and now at this Day, to wit, on at the Parties aforesaid appear before us, the

the undersigned, Two of Her Majesty's Justices of the Peace in and for the said County [*or* the said Churchwardens and Overseers, *or* Surveyors, by *C.D.*, One of the said Overseers, *or* Surveyors, appear before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said County; but the said *A.B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to us on Oath that the said *A.B.* has been duly served with the Summons in this Behalf, which required him to be and appear here at this Day before such Two or more Justices of the Peace as should now be here, to answer the said Complaint, and to be further dealt with according to Law]; and now having heard the Matter of the said Complaint, and it being now duly proved to us upon Oath [in the Presence and Hearing of the said *A.B.*], that an Assessment for the [Relief of the Poor, *or* the Maintenance of the Highways] of the said Parish of and for other Purposes chargeable thereon according to Law, dated the was duly made, allowed, and published, and that the said *A.B.* is therein and thereby assessed at the Sum of aforesaid,* and that the said Sum hath been duly demanded of the said *A.B.*, but that he hath not paid, and hath refused and still refuses to pay the same; and the said *A.B.* now not showing to us any sufficient Cause for not paying the same, These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*; and if within the Space of [*Five*] Days after the making of such Distress the said Sum, and the Sum of for the Costs incurred by the said [Churchwardens and Overseers, *or* Surveyors] in obtaining this Warrant, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and out of the Money arising by such Sale you retain the said Sums of and rendering the Overplus on Demand, to the said *A.B.*, the reasonable Charges of taking, keeping, and selling the said Distress being first deducted; and if no such Distress can be found that then you certify the same unto us, to the end that such further Proceedings may be had herein as to the Law doth appertain.

Given under our Hands and Seals, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*E.F.*
*G.H.*

* "And that a certain other Assessment for the Relief," *&c. to the Asterisk, if there be Arrears.*

(C. 2.)

*Warrant of Distress against several Rate-payers.*

To the Overseers of the Poor *or* the Surveyors of the Highways of the Parish of in the [*County*] of and to the Constables of and to all other Peace Officers in the said [*County*].

WHEREAS on last past a Complaint was made before *E.F.*, One of Her Majesty's Justices of the Peace in and for the [*County*] of by the [Churchwardens and Overseers of the Poor, *or* the Surveyors of the Highways] of the Parish of in the said [*County*], that the several Persons whose Names are mentioned and set forth in the Schedule hereunder written, being Persons duly rated and assessed to [the Relief of the Poor, *or* Maintenance of the Highways] of the said Parish, in and by the Rates in the Schedule in that Complaint and in this Warrant underwritten, in certain Sums set down opposite to their respective Names in the said Schedule, had not respectively paid the said Sums or any Part thereof, but had respectively refused so to do; and now at this Day, to wit, on at the said [Churchwardens and Overseers, *or* Surveyors] by *C.D.*, One of the said Overseers, *or* Surveyors, and *A.B.*, *I.K.*, and *L.M.*, some of the said Parties in the said Schedule mentioned, appear before us, the undersigned, Two of Her Majesty's Justices of the Peace in and for the said [*County*]; but the said *N.P.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to us on Oath that the said *N.P.* has been duly served with the Summons in this Behalf, which required him to be and appear here at this Day before such Two or more Justices of the Peace as should now be here to answer the said Complaint, and to be further dealt with according to Law; and now having heard the Matter of the said Complaint against the said several Parties, and it being now duly proved to us upon Oath, in the Presence of the Parties so appearing as aforesaid, that an Assessment for [*the Relief of the Poor*] of the said Parish of and for other Purposes chargeable therein according to Law, dated the was duly made, allowed, and published, and that the said several Persons whose Names are mentioned and set out in the Schedule hereunder written are therein and thereby assessed at the Sums set down opposite to their respective Names in the said Schedule, and that the said several Sums have been duly demanded of them respectively, but they have not nor hath any of them paid the said Sums or any of them, or any Part thereof respectively, but they have refused and still do refuse to pay the same respectively, and

have not, nor hath any of them, showed to us sufficient Cause for not paying the same; These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the several Persons whose Names are mentioned and set out in the Schedule hereunder written; and if within the Space of *Five* Days after the making of such Distresses respectively the said several Sums set opposite to their respective Names at which they were so rated and assessed as aforesaid, and the said several Sums for Costs incurred by the said [Churchwardens and Overseers, *or* Surveyors] also set opposite to their respective Names, together with the reasonable Charges of taking and keeping the said Distress in each Case, shall not be paid, that then you do sell the Goods and Chattels of the Party so making default so by you distrained, and out of the Money arising by such Sales respectively you retain the Sums so set opposite to the Name of each Party whose Goods you shall have so sold, rendering to him the Overplus, the reasonable Charges of taking, keeping, and selling the said Distress being first deducted; and if in any of the Cases mentioned in the Schedule hereunder written no such Distress can be found, that then you certify the same unto us, to the end that such further Proceedings may be had herein as to the Law doth appertain.

SCHEDULE.

| Names of Rate-payers. | Residence. | Under Rate dated 1849 | | | Arrears due under Rate dated 1848. | | | Costs. | | | Total | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | £ | s. | d. | £ | s. | d. | £ | s. | d. | £ | s. | d. |
| A. B. - | (here state it) | 1 | 7 | 0 | 1 | 7 | 0 | 0 | 6 | 0 | 3 | 0 | 0 |
| I. K. - - | - - - | 0 | 13 | 0 | - | - | - | 0 | 2 | 0 | 0 | 15 | 0 |
| L. M. - - | - - - | - | - | - | 0 | 18 | 6 | 0 | 3 | 0 | 1 | 1 | 6 |
| N. P. - - | - - - | 0 | 14 | 3 | 0 | 14 | 3 | 0 | 5 | 0 | 1 | 13 | 6 |

Given under our Hands and Seals, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*E F.*
*G. H.*

(D.)

*Warrant of Commitment in default of Distress.*

To the Overseers of the Poor [*or* the Surveyors of the Highways] of the Parish of in the [*County*] of and to the Constable of and to all other Peace Officers in the said [*County*], and to the Keeper of the [*House of Correction*] at in the said [*County*].

WHEREAS on last past a Complaint was made before *E. F.*, Esquire, One of Her Majesty's Justices of the Peace in and for the said [*County*] of by the [Churchwardens and Overseers of the Poor, *or* Surveyors of the Highways] of the Parish of in the said [*County*], that *A. B.*, being a Person duly rated to the [Relief of the Poor, *or* Maintenance of the Highways] of the said Parish, in and by a Rate made on in the Sum of had not paid the same or any Part thereof, but had refused so to do; and afterwards on at the Parties aforesaid appeared before *E. F.* and *G. H.*, Esquires, Two of Her Majesty's Justices of the Peace in and for the said County [*or* the said Churchwardens and Overseers, *or* Surveyors, by *C. D.*, One of the said Overseers, *or* Surveyors, appeared before *E. F.* and *G. H.*, Esquires, Two of Her Majesty's Justices of the Peace in and for the said County; but the said *A. B.*, although duly called, did not appear by himself, his Counsel or Attorney, and it was then satisfactorily proved to the said Justices that the said *A. B.* had been duly served with the Summons in that Behalf, which required him to be and appear there at that Day before such Two or more Justices of the Peace as should then be there, to answer the said Complaint, and to be further dealt with according to Law]; and then having heard the Matter of the said Complaint, and it being then duly proved to the said Justices upon Oath [in the Presence and Hearing of the said *A. B.*] that an Assessment for the [Relief of the Poor, *or* the Maintenance of the Highways] of the said Parish of dated the was duly made, allowed, and published, and that the said *A. B.* was therein and thereby assessed at the Sum of aforesaid, and that the said Sum had been duly demanded of the said *A. B.*, but that he had not paid, and had refused and still refused to pay the same, and the said *A. B.* then not showing to the said *E. F.* and *G. H.* any sufficient Cause for not paying the same, the said Justices thereupon then issued a Warrant to commanding them to levy the said Sum of and the Sum of for the Costs incurred in obtaining that Warrant, by Distress and Sale of the Goods and Chattels of the said *A. B.*: And whereas it now appears

appears to me, the undersigned, One of Her Majesty's Justices of the Peace in and for the said [*County*], as well by the Return of the said to the said Warrant of Distress as otherwise, that the said hath made diligent Search for the Goods and Chattels of the said *A. B.*, but that no sufficient Distress whereon to levy the said Sums above mentioned could be found: These are therefore to command you the said [Churchwardens and Overseers, *or* Surveyors] and Constable and Peace Officers, or some or one of you, to take the said *A. B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there deliver him to the said Keeper, together with this Precept: And I do hereby command you, the said Keeper of the said [*House of Correction*], to receive the said *A. B.* into your Custody in the said [*House of Correction*], there to imprison him for the Space of unless the said Sums of and together with the Sum of for the Costs attending the said Distress, and the further Sum of being the Costs and Charges of this Commitment, and of taking and conveying the said *A. B.* to Prison, making in the whole the Sum of shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under my Hand and Seal this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J. S.* (L.S.)

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO

# VICTORIÆ REGINÆ.

***

Kingdom of *Great Britain* and *Ireland:* Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Amount of Sums recoverable under the Provisions of the said Act, whether for Wages, Damages or Compensation for the Detention thereof, or Costs, shall be extended to the Amount of like Sums as in the said Act mentioned of the present Currency of the United Kingdom of *Great Britain* and *Ireland;* and further, that all Sums due or payable in *Ireland* to any Servant, Artificer, or Labourer, as defined by the said Act, whose Demand, whether originally greater or not, shall not exceed Six Pounds of the present Currency, for any Labour done or performed by Task or by the Job or by Contract, shall be recoverable by summary Process, in the same Manner and subject to the same Conditions and Limitations as are contained in the said herein-before recited Act, as amended by this Act, in respect to Wages.

Sums recoverable under recited Act or this Act extended to like Sums of the present Currency; and Wages for Task Work to be recoverable before Justices in like Manner as other Wages for Labour.

II. And be it enacted, That all Sums due or payable in *Ireland* for the Hire of any Horse, Ass, Mule, Bullock, or other Animal for Draught, or of any Cart, Dray, Car, Plough, Harrow, or Vehicle drawn by any Horse, Ass, Mule, Bullock, or other Animal, for the Purpose of any labouring Work, (not being for the Carriage of any Passenger or Passengers,) where the Demand (whether consisting wholly of any such Sums as last aforesaid, or partly of any such Sums and partly of Wages, or whether originally of greater Amount or not,) shall not exceed Six Pounds of the present Currency, shall be recoverable by summary Process, in the same Manner and subject to the same Conditions and Limitations as are contained in the said herein-before recited Act, as amended by this Act, in respect to Wages.

The Hire of Horses, Carts, &c. to be recoverable in like Manner.

III. Provided always, and be it enacted, That in case any Party be desirous of appealing to the Quarter Sessions against the Decision of the Justice or Justices or Chief Magistrate, either in any of the Cases in this Act provided for, or in any of the Cases in the said recited Act mentioned and provided for, such Appeal shall not be entertained unless it be made within One Week next after the making of such Decision, nor unless within Four Days after so appealing Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to or left at the Place of Abode of the Party against whom such Appeal shall be brought, nor unless the Appellant at the Time of or forthwith after making such Appeal enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Proceedings required for an Appeal.

IV. And

IV. And be it enacted, That, subject to the Alterations hereby made, the said recited Act and this Act shall be construed together as One Act.

Recited Act and this Act to be construed as One.

V. And whereas by an Act of the Seventh Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Recovery by summary Process of small Sums due to the Teachers of Schools in* Ireland, it is provided that Sums due or payable to any Teacher of a School in *Ireland* for Instruction given therein shall be recoverable in the same Manner and subject to the same Conditions and Limitations as are contained in the said first-recited Act in respect to Wages: Be it enacted, That the Provisions of this Act for amending the said first-recited Act in relation to the Amount of the Sums recoverable under the same, and in relation to Appeals, shall be extended and applied to Proceedings for the Recovery of Sums due or payable to Teachers of Schools under the Provisions of the said Act of the Seventh Year of Her Majesty's Reign.

Provisions of this Act extended to Proceedings for Sums due to Teachers of Schools under 7 & 8 Vict. c. 8.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO

# VICTORIÆ REGINÆ.

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## CAP. XVI.

### An Act to protect Justices of the Peace in *Ireland* from vexatious Actions for Acts done by them in the Execution of their Office.

[11th *May* 1849.]

WHEREAS it is expedient to protect Justices of the Peace in *Ireland* in the Execution of their Duty: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Action hereafter to be brought against any Justice of the Peace in *Ireland* in any of Her Majesty's Superior Courts of Law at *Dublin* for any Act done by him in the Execution of his Duty as such Justice, with respect to any Matter within his Jurisdiction as such Justice, shall be an Action on the Case as for a Tort; and in the Declaration it shall be expressly alleged that such Act was done maliciously, and without reasonable and probable Cause; and if at the Trial of any such Action, upon the General Issue being pleaded, the Plaintiff shall fail to prove such Allegation, he shall be nonsuit, or a Verdict shall be given for the Defendant.

For an Act by a Justice of Peace in Ireland within his Jurisdiction the Action shall be on the Case, and it shall be alleged to have been done maliciously, and without probable Cause.

For an Act done by him without Jurisdiction, or exceeding his Jurisdiction, an Action may be maintained without such Allegation;

II. And be it enacted, That for any Act done by a Justice of the Peace in a Matter of which by Law he has not Jurisdiction, or in which he shall have exceeded his Jurisdiction, any Person injured thereby, or by any Act done under any Conviction or Order made or Warrant issued by such Justice in any such Matter, may maintain an Action against such Justice in the same Form and in the same Case as he might have done before the passing of this Act, without making any Allegation in his Declaration that the Act complained of was done maliciously, and without reasonable and probable Cause: Provided nevertheless, that (in any Case where a Conviction may be quashed either upon Appeal or upon Application to Her Majesty's Court of Queen's Bench) no such Action shall be brought for anything done under such Conviction or Order until after such Conviction or Order shall have been quashed, either upon Appeal or upon Application to Her Majesty's Court of Queen's Bench; nor shall any such Action be brought for anything done under any such Warrant which shall have been issued by such Justice to procure the Appearance of such Party, and which shall have been followed by a Conviction or Order in the same Matter, until after such Conviction or Order shall have been so quashed as aforesaid; or if such last-mentioned Warrant shall not have been followed by any such Conviction or Order, or if it be a Warrant upon an Information for an alleged indictable Offence, nevertheless if a Summons were issued previously to such Warrant, and such Summons were served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode, and he did not appear according to the Exigency of such Summons, in such Case no such Action shall be maintained against such Justice for anything done under such Warrant.

but not for an Act done under a Conviction or Order, until after such Conviction or Order shall have been quashed;

nor for an Act done under a Warrant to compel Appearance, if a Summons were previously served and not obeyed.

If One Justice make a Conviction or Order, and another grant a Warrant upon it, the Action must be brought against the former, not the latter, for a Defect in the Conviction or Order.

III. And be it enacted, That where a Conviction or Order shall be made by One or more Justice or Justices of the Peace, and a Warrant of Distress or of Commitment shall be granted thereon by some other Justice of the Peace *bonâ fide* and without Collusion, no Action shall be brought against the Justice who so granted such Warrant by reason of any Defect in such Conviction or Order, or for any Want of Jurisdiction in the Justice or Justices who made the same, but the Action (if any) shall be brought against the Justice or Justices who made such Conviction or Order.

No Action for issuing a Distress Warrant for Poor Rate by reason of any Defect, or that the Party is not rateable.

IV. And be it enacted, That where any Poor Rate shall be made, allowed, and published, and a Warrant of Distress shall issue against any Person named and rated therein, no Action shall be brought against the Justice or Justices who shall have granted such Warrant by reason of any Irregularity or Defect in the said Rate, or by reason of

of such Person not being liable to be rated therein; and that in all Cases where a discretionary Power shall be given to a Justice of the Peace by any Act or Acts of Parliament, no Action shall be brought against such Justice for or by reason of the Manner in which he shall have exercised his Discretion in the Execution of any such Power.

No Action against Justices for the Manner in which they exercise a discretionary Power.

V. And whereas it would conduce to the Advancement of Justice, and render more effective and certain the Performance of the Duties of Justices, and give them Protection in the Performance of the same, if some simple Means, not attended with much Expense, were devised by which the Legality of any Act to be done by such Justices might be considered and adjudged by a Court of competent Jurisdiction, and such Justice enabled and directed to perform it without Risk of any Action or other Proceeding being brought or had against him: Be it therefore enacted, That in all Cases where a Justice or Justices of the Peace shall refuse to do any Act relating to the Duties of his or their Office as such Justice or Justices, it shall be lawful for the Party requiring such Act to be done to apply to Her Majesty's Court of Queen's Bench in *Ireland*, upon an Affidavit of the Facts, for a Rule calling upon such Justice or Justices, and also the Party to be affected by such Act, to show Cause why such Act should not be done; and if after due Service of such Rule good Cause shall not be shown against it, the said Court may make the same absolute, with or without or upon Payment of Costs, as to them shall seem meet; and the said Justice or Justices upon being served with such Rule absolute shall obey the same, and shall do the Act required; and no Action or Proceeding whatsoever shall be commenced or prosecuted against such Justice or Justices for having obeyed such Rule, and done such Act so thereby required as aforesaid.

If a Justice refuse to do an Act, the Court of Queen's Bench may by Rule order him to do it, and no Action shall be brought against him for doing it.

VI. And be it enacted, That in all Cases where a Warrant of Distress or Warrant of Commitment shall be granted by a Justice of the Peace upon any Conviction or Order which, either before or after the granting of such Warrant, shall have been or shall be confirmed upon Appeal, no Action shall be brought against such Justice who so granted such Warrant for anything which may have been done under the same by reason of any Defect in such Conviction or Order.

After Conviction or Order confirmed on Appeal, no Action for anything done under a Warrant upon it.

VII. And be it enacted, That in all Cases where by this Act it is enacted that no Action shall be brought under particular Circumstances, if any such Action shall be brought it shall be lawful for a Judge of the Court in which the same shall be brought, upon Application of the Defendant, and upon an Affidavit of Facts, to set asid

If an Action be brought where by this Act it is prohibited, a Judge may set aside the Proceedings.

aside the Proceedings in such Action, with or without Costs, as to him shall seem meet.

Limitation of Action.

VIII. And be it enacted, That no Action shall be brought against any Justice of the Peace for anything done by him in the Execution of his Office, unless the same be commenced within Six Calendar Months next after the Act complained of shall have been committed.

Notice of Action.

IX. And be it enacted, That no such Action shall be commenced against any such Justice of the Peace until One Calendar Month at least after a Notice in Writing of such intended Action shall have been delivered to him, or left for him at his usual Place of Abode, by the Party intending to commence such Action, or by his Attorney, in which said Notice the Cause of Action, and the Court in which the same is intended to be brought, shall be clearly and explicitly stated; and upon the Back thereof shall be endorsed the Name and Place of Abode of the Party so intending to sue, and also the Name and Place of Abode or of Business of the said Attorney if such Notice have been served by such Attorney.

Venue.

Defendant may plead the General Issue, and give any special Matter, &c. in Evidence.

X. And be it enacted, That in every such Action brought in any of the Superior Courts of Law, the Venue shall be laid in the County where the Act complained of was committed; and the Defendant shall be allowed to plead the General Issue therein, and to give any special Matter of Defence, Excuse, or Justification in Evidence under such Plea, at the Trial of such Action.

Tender, and Payment of Money into Court.

XI. And be it enacted, That in every such Case after Notice of Action shall be so given as aforesaid, and before such Action shall be commenced, such Justice to whom such Notice shall be given may tender to the Party complaining, or to his Attorney, such Sum of Money as he may think fit as Amends for the Injury complained of in such Notice; and after such Action shall have been commenced, and at any Time before Issue joined therein, such Defendant, if he have not made such Tender, or in addition to such Tender, shall be at liberty to pay into Court such Sum of Money as he may think fit, and which said Tender and Payment of Money into Court, or either of them, may afterwards be given in Evidence by the Defendant at the Trial under the General Issue aforesaid; and if the Jury at the Trial shall be of opinion that the Plaintiff is not entitled to Damages beyond the Sum so tendered or paid into Court, or beyond the Sums so tendered and paid into Court, then they shall give a Verdict for the Defendant, and the Plaintiff shall not be at liberty to elect to be nonsuit, and the Sum of Money, if

any, so paid into Court, or so much thereof as shall be sufficient to pay or satisfy the Defendant's Costs in that Behalf, shall thereupon be paid out of Court to him, and the Residue, if any, shall be paid to the Plaintiff; or if, where Money is so paid into Court in any such Action, the Plaintiff shall elect to accept the same in satisfaction of his Damages in the said Action, he may obtain from any Judge of the Court in which such Action shall be brought an Order that such Money shall be paid out of Court to him, and that the Defendant shall pay him his Costs to be taxed, and thereupon the said Action shall be determined, and such Order shall be a Bar to any other Action for the same Cause.

In what Cases nonsuit, or Verdict for Defendant.

XII. And be it enacted, That if at the Trial of any such Action the Plaintiff shall not prove that such Action was brought within the Time herein-before limited in that Behalf, or that such Notice as aforesaid was given One Calendar Month before such Action was commenced, or if he shall not prove the Cause of Action stated in such Notice, or if he shall not prove that such Cause of Action arose in the County or Place laid as Venue in the Declaration, then and in every such Case such Plaintiff shall be nonsuit, or the Jury shall give a Verdict for the Defendant.

Damages.

XIII. And be it enacted, That in all Cases where the Plaintiff in any such Action shall be entitled to recover, and he shall prove the levying or Payment of any Penalty or Sum of Money under any Conviction or Order as Parcel of the Damages he seeks to recover, or if he prove that he was imprisoned under such Conviction or Order, and shall seek to recover Damages for any such Imprisonment, he shall not be entitled to recover the Amount of such Penalty or Sum so levied or paid, or any Sum beyond the Sum of Two-pence as Damages for such Imprisonment, or any Costs of Suit whatsoever, if it shall be proved that he was actually guilty of the Offence of which he was so convicted, or that he was liable by Law to pay the Sum he was so ordered to pay, and (with respect to such Imprisonment) that he had undergone no greater Punishment than that assigned by Law for the Offence of which he was so convicted, or for Nonpayment of the Sum he was so ordered to pay.

Costs.

XIV. And be it enacted, That if the Plaintiff in any such Action shall recover a Verdict, or the Defendant shall allow Judgment to pass against him by Default, such Plaintiff shall be entitled to Costs in such Manner as if this Act had not been passed; or if in such Case it be stated in the Declaration that the Act complained of was done maliciously and without reasonable and probable Cause, the Plaintiff, if he recover a Verdict for any Damages, or if the Defendant allow

Judgment to pass against him by Default, shall be entitled to his full Costs of Suit, to be taxed as between Attorney and Client; and in every Action against a Justice of the Peace for anything done by him in the Execution of his Office the Defendant, if he obtain Judgment upon Verdict or otherwise, shall in all Cases be entitled to his full Costs in that Behalf, to be taxed as between Attorney and Client.

Act to extend only to Ireland.

XV. And be it enacted, That this Act shall extend only to *Ireland*.

Commencement of Act

XVI. And be it enacted, That this Act shall commence and take effect on the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-nine.

After Commencement of this Act the following Statutes or Parts of Statutes repealed.

XVII. And be it enacted, That from and after the Time this Act shall so commence and take effect as aforesaid the following Statutes and Parts of Statutes, except so far as they may repeal other Statutes, shall be and shall be deemed and taken to be repealed; that is to say, so much of an Act of Parliament made and passed in *Ireland* in the Tenth Year of the Reign of His Majesty King *Charles* the First, intituled *An Act for Ease in pleading against troublesome and contentious Suits prosecuted against Sheriffs, Justices of Peace, Mayors, Constables, and certain other Officers, for the lawful Execution of their Office*, as relates to Actions against Justices of the Peace; and so much of an Act made and passed in the Forty-third Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the rendering Justices of the Peace and Governors and Deputy Governors of Counties and Places in* Ireland *more safe in the Execution of their Office; and for indemnifying Constables and others acting in obedience to the Warrants of such Justices of the Peace, Governors, and Deputy Governors respectively*, as relates to Actions against Justices of the Peace; and a certain other Act made and passed in the Forty-third Year of the Reign of His late Majesty King *George* the Third, intituled *An Act to render Justices of the Peace more safe in the Execution of their Duty*; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act; save and except so much of the said several Acts as repeal any other Acts or Parts of Acts, and also except as to Proceedings now pending, to which the same or any of them may be applicable.

10 Car 1 st 2. c 16. (I.)

43 G 3 c.143

43 G. 3 c.111

Act to apply to Persons protected by the repealed Statutes.

XVIII. And be it enacted, That this Act shall apply for the Protection of all Persons for anything done in the Execution of their Office, in all Cases in which, by the Provisions of any Act or Acts of Parliament, the several Statutes or Parts of Statutes herein-before mentioned

mentioned and by this Act repealed would have been applicable if this Act had not passed.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c

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" Warrant under his Hand and Seal, to authorize and empower, within " the Police District of *Dublin* Metropolis any Justice or Superin- " tendent Inspector of Police, and in any other Part of *Ireland* any " Justice or Sub-Inspector or Chief Constable of Police, to enter into " any such Room, House, or other Place as aforesaid at or over the " outer Door of which no such Sign or Notice shall be posted or " written:" And whereas certain other Provisions of the like temporary Nature are contained in the said recited Act imposing Penalties on Persons who shall be convicted of having been found in such unlicensed Premises, and to have been drinking or tippling therein, or who shall delay to admit Justices and others seeking to enter such Premises for the Purposes of executing such Warrant, or who shall maliciously or without probable Cause make such Oath, or enter such Premises, or apprehend Persons who shall not be or shall not have recently been tippling therein, and also to define what shall be sufficient Evidence for the Purpose of such Conviction in the Manner in the said Act specified: And whereas the said recited Provisions of the said Act were by an Act of the Seventh and Eighth Years of the Reign of Her present Majesty continued in force for the further Period of Five Years, and will expire on the Twenty-fourth Day of *August* in this present Year, and it is expedient to continue the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Provisions of the said Act shall be and continue in force for the further Period of Five Years from the said Twenty-fourth Day of *August* in this present Year.

7 & 8 Vict. c. 82.

Recited Provisions of said Act continued for Five Years.

Provisions of recited Act to apply to this Act, except as hereby altered.

II. And be it enacted, That in every respect, save where it is expressly altered by this Act, the said first-recited Act, and every Clause, Matter, and Thing therein contained, shall be and remain in full Force, and shall apply to this Act, as if the same were herein re-enacted.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO DUODECIMO

# VICTORIÆ REGINÆ.

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## CAP. XVIII.

### An Act for the holding of Petty Sessions of the Peace in Boroughs, and for providing Places for the holding of such Petty Sessions in Counties and Boroughs. [11th *May* 1849.]

WHEREAS certain Meetings of Justices of the Peace called Petty Sessions of the Peace are holden in and for certain Divisions of the several Counties of *England* and *Wales* called Petty Sessional Divisions, and important Duties have lately been assigned to the Justices attending at such Petty Sessions, and to their Clerks, by certain Acts of Parliament, and it is desirable to declare and enact that the Sittings of Justices of the Peace, or of a Stipendiary Magistrate, in and for every City, Borough, or Town Corporate having a separate Commission of the Peace, or for any Part thereof, shall be deemed a Petty Sessions of the Peace within the Meaning of such Acts, and that Buildings or Places at which such Petty Sessions may be holden shall, where necessary, be provided: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That every Sitting and Acting of Justices of the Peace, or of a Stipendiary Magistrate, in and for any City, Borough, or Town Corporate having a separate Commission of the Peace, or any

Petty Sessions of the Peace in Boroughs.

any Part thereof, within *England* and *Wales*, at any Police Court or other Place appointed in that Behalf, shall be deemed a Petty Sessions of the Peace, and the District for which the same shall be holden shall be deemed a Petty Sessional Division, within the Meaning of any Acts of Parliament, already made or hereafter to be made, having relation to such Petty Sessions, or to any Business to be transacted thereat.

Justices at General or Quarter Sessions, or the Council in Boroughs, may provide Places for holding Petty Sessions.

II. And be it enacted, That in all Cases where at present there are not, or where hereafter there shall not be, any fit or proper Place for the holding of such Petty Sessions within any such Petty Sessional Division as aforesaid, in any County, Riding, Liberty, or Division within *England* and *Wales*, or within any City, Borough, or Town Corporate within the same, it shall be lawful for the Justices of the Peace for any such County, Riding, Liberty, or Division, in General or Quarter Sessions assembled, and for the Council or other governing Body in any such City, Borough, or Town Corporate having a separate Commission of the Peace, respectively, if they shall respectively think fit, from Time to Time to direct that fit and proper Places be hired or otherwise provided for the holding of such Petty Sessions of the Peace within any such Petty Sessional Division as aforesaid, and that the Expenses thereof and attendant thereon be paid out of the County Rate or Borough Fund respectively, as the Case may be: Provided always, that no such Direction for hiring or otherwise providing any Place for the holding of such Petty Sessions shall be given by the Justices for any such County, Riding, Liberty, or Division, so assembled as aforesaid, unless an Application in Writing for that Purpose, signed by the Justices of the Peace acting in such Petty Sessional Division, or the major Part of such Justices, shall have been transmitted to the Clerk of the Peace Six Weeks at the least before the holding of the General or Quarter Sessions at which such Direction shall be given; and the Clerk of the Peace shall cause Notice of such Application to be published in some Newspaper circulating in the same County, Riding, Liberty, or Division, and in which the Advertisements of County Business are usually inserted, Fourteen Days at the least before the holding of such General or Quarter Sessions: Provided always, that in every such Case when it may be so required to provide a fit and proper Place for the holding of such Petty Sessions as aforesaid, if it shall appear to the Justices so assembled as aforesaid, or to the Council of such City, Borough, or Town Corporate respectively, that the County Court for the District is holden in any Building or Place which would be appropriate for the holding of such Petty Sessions, it shall be lawful for such Justices or Council respectively to contract with the Treasurer of such County Court for

The Justices or Council may agree for the Use of the County Court for that Purpose.

for the Use and Occupation thereof or of so much thereof as may be needed for the Purposes of such Petty Sessions, for such Time or Times, weekly or otherwise, and at such annual Rent, and subject to such Conditions as to Repairs, Alterations, or Improvements of such Building or Place, as may be agreed upon.

Justices of the Peace of different Counties may provide Places for holding Petty Sessions at the joint Expense of such Counties.

III. Provided always, and be it enacted, That where Justices of the Peace, acting as such for Two or more adjoining Counties, Ridings, Liberties, or Divisions, hold Petty Sessions on or near the common Boundaries of such Counties, Ridings, Liberties, or Divisions, it shall be lawful for the Justices of the Peace of each of such Counties, Ridings, Liberties, or Divisions, upon such Application as hereinbefore provided, to agree with the Justices of the Peace of the other or others of such Counties, Ridings, Liberties, or Divisions, that a Place for the holding of such Petty Sessions be hired or otherwise provided within either of such Counties, Ridings, Liberties, or Divisions, and that the same be so hired or otherwise provided at the joint Expense of such Counties, Ridings, Liberties, or Divisions, in such Manner and Proportions as in the said Agreement shall be specified; and all the Provisions of an Act of the last Session, intituled *An Act to provide for the Expenses of erecting and maintaining Lock-up Houses on the Borders of Counties*, concerning the Appointment and re-assembling of Committees, filling up Vacancies in Committees, the Proceedings of Committees, the Agreement to be drawn by them (except so far as respects the Appointment and Salary of a Superintendent Constable), and the Powers of the Court of General or Quarter Sessions and of Committees in relation to such Agreement, and the executing the same, and doing all necessary Acts consequential upon such Agreement, shall extend and be applicable to every Agreement to be made under this Act by and between the Justices of Two or more such Counties, Ridings, Liberties, or Divisions as aforesaid, as if such Provisions had been here repeated, and the Agreement to be made as aforesaid under this Act, and the Place to be provided for the holding of such Petty Sessions as aforesaid, had been substituted in such Provisions for such Agreement and Lock-up House as in the said Act mentioned.

11 & 12 Vict. c. 101.

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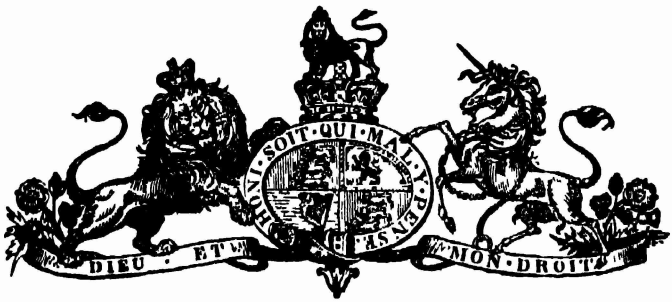


ANNO DUODECIMO

# VICTORIÆ REGINÆ.

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## CAP. XIX.

An Act to make perpetual an Act of the Tenth and Eleventh Years of Her present Majesty, for authorizing the Removal of Prisoners from the several Gaols in *Ireland* in Cases of Epidemic Diseases. [11th *May* 1849.]

WHEREAS an Act was passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to authorize for One Year, and to the End of the then next Session of Parliament, the Removal of Prisoners from the several Gaols in* Ireland *in Cases of Epidemic Diseases:* And whereas the said Act will expire at the End of the present Session of Parliament, and it is expedient to make the said Act perpetual: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act shall be and the same is hereby made perpetual.

10 & 11 Vict. c. 45.

Recited Act made perpetual.

Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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in like Manner as is prescribed by

for any Sum or Sums of Money not exceeding in the whole the Sum of Seventeen millions seven hundred and eighty-six thousand seven hundred Pounds, in like Manner as is prescribed in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

48 G. 3. c. 1.

4 & 5 W. 4. c. 15.

5 & 6 Vict. c. 66.

The Clauses, &c. in recited Acts extended to this Act.

II. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually to all Intents and Purposes as if the said several Clauses or Provisoes had been particularly repeated and re-enacted in the Body of this Act.

The Treasury to apply the Money raised.

III. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Bills, how to be charged and paid.

IV. And be it enacted, That the Principal Sum or Sums of Money to be contained in such Exchequer Bills shall be charged upon and shall be paid out of any Supplies to be granted in the next Session of Parliament.

Interest on Bills.

V. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall bear Date on the Days on which the same shall be respectively issued, and shall bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* in respect of the whole of the Monies respectively contained therein, payable out of any Aids or Supplies in the Bank of *England* standing to the Credit of the Exchequer.

Bills charged on Supplies to be current in Payment of Public Revenue

VI. And be it enacted, That all the Exchequer Bills to be made out by virtue of this Act, or so many of them as shall from Time to Time remain undischarged and uncancelled, shall, after Twelve Calendar Months from their respective Dates, be taken and shall



pass

pass and be current to all the Receivers and Collectors in *Great Britain* of the Customs, Excise, or any Revenue, Supply, Aid, or Tax whatsoever already granted or payable, or which shall hereafter be granted or payable, to Her Majesty, Her Heirs and Successors, and also at the Bank of *England* to the Account of Her Majesty's Exchequer, from the said Receivers or Collectors, or from any other Person or Persons, Bodies Politic or Corporate whatsoever, making any Payment there to Her Majesty, Her Heirs and Successors, upon any Account whatever.

after Twelve Calendar Months from their Dates.

VII. And be it declared and enacted, That it shall be lawful for the Governor and Company of the Bank of *England* to advance or lend to Her Majesty, upon the Credit of the Exchequer Bills to be made out in pursuance of this Act, any Sum or Sums of Money not exceeding in the whole the Sum of Seventeen millions seven hundred and eighty-six thousand seven hundred Pounds; any thing in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any subsequent Act, to the contrary thereof in anywise notwithstanding.

Bank of England may advance 17,786,700*l.* on the Credit of Bills, notwithstanding 5 & 6 W. & M. c. 20.

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# VICTORIÆ REGINÆ.

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## CAP. XXI.

An Act to confirm certain Acts of the Legislature of *Newfoundland* respecting the rebuilding of the Town of *Saint John's Newfoundland*, and to enable the said Legislature to make other Provisions respecting the rebuilding of the said Town. [24th *May* 1849.]

WHEREAS by an Act passed in the First Year of King *George* the Fourth, intituled *An Act to regulate the rebuilding of the Town of* Saint John's *in* Newfoundland, *and for indemnifying Persons giving up Ground for that Purpose*, it was enacted, that certain Streets and Cross Streets in the said Town should be respectively of the Width specified in the said Act: And whereas by an Act of the Legislature of *Newfoundland* passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to regulate the rebuilding of the Town of* Saint John's, *and the Drainage and Sewerage of the same, and to repeal certain Acts therein mentioned*, and by another Act of the said Legislature of *Newfoundland* passed in the Tenth Year of the Reign of Her present Majesty, intituled *An Act to amend an Act passed in the Ninth and Tenth Years of the Reign of Her present Majesty*,

1 G. 4. c. 51.

9 & 10 Vict. c. 3. (Newfoundland Act.)

10 Vict. c. 1. (Newfoundland Act.)

*Majesty, entitled 'An Act to regulate the rebuilding of the 'Town of* Saint John's, *and the Drainage and Sewerage of the 'same, and to repeal certain Acts therein mentioned,'* certain Provisions are made respecting the Boundaries, Width, and Direction of certain Streets and Cross Streets or Fire Breaks in the said Town of *Saint John*, and such Provisions may conflict with the Provisions of the said Act of the First Year of King *George* the Fourth: And whereas it is expedient that the said Acts of the Legislature of *Newfoundland* should be confirmed, and that such Legislature should be enabled from Time to Time to make other Regulations concerning the rebuilding of the said Town: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all the Provisions of the said recited Acts of the Legislature of *Newfoundland* shall be deemed to have been, from the passing of such Acts respectively, valid and effectual to all Intents and Purposes; and it shall be lawful for the said Legislature of *Newfoundland*, by any Act or Acts made in the Manner and subject to the Conditions which may be by Law required in respect of Acts made by such Legislature, from Time to Time to make such Provision as to such Legislature shall seem meet concerning the rebuilding or building of the said Town of *Saint John's*, and all or any of the Matters and Things mentioned and provided for in and by the said Act of the First Year of King *George* the Fourth, and in and by the said recited Acts of the said Legislature respectively, anything in the said Act of the First Year of King *George* the Fourth or any Law or Usage to the contrary notwithstanding.

Acts of the Legislature of Newfoundland confirmed, and such Legislature empowered to make further Provisions concerning the building of Saint John's

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

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a certain Order of the Government bearing even Date with the said Proclamation Number Thirty, or otherwise notified theretofore as being required for public Purposes, reserving, however, and keeping harmless, all Rights of other private Individuals which might be lawfully established at any Time thereafter: And whereas since the issuing of the said Proclamation Grants in Fee Simple of Allotments of Land in *Sydney* which had been before leased by the Government have from Time to Time been made and issued to divers Persons claiming the said Land, under the Terms and Conditions set forth in the said Proclamation: And whereas at the Time of the making and issuing of divers of the said Grants Leases which had been issued by the Government of Lands comprised in such Grants were unexpired, and the said Leases were not surrendered nor cancelled, nor recited nor mentioned in the said Grants: And whereas Doubts have been entertained whether such Grants are valid; and it is expedient that such Doubts as aforesaid should be removed by Authority of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Grants made and issued after the Date and Publication of the said Proclamation, and before the Seventeenth Day of *June* One thousand eight hundred and forty-eight, by or in the Name of the Governor or Person administering the Government of the said Colony for the Time being, or by or in the Name of either of Her Majesty's Predecessors King *George* the Fourth and King *William* the Fourth, or by or in the Name of Her Majesty, of any Lands situated in *Sydney*, shall (notwithstanding that the Leases which had been issued of the same Lands were at the Time of the making and issuing of such Grants unexpired, and that such Leases were not recited in the said Grants,) be and be deemed and taken to have been from the respective Dates thereof as valid and effectual in the Law to grant and convey such Lands to all Intents and Purposes as if such Leases had been recited and set forth in such Grants.

Grants of Lands in Sydney confirmed.

II. Provided always, and be it enacted, That nothing in this Act contained shall be deemed or taken to affect or prejudice the Rights of any Person or Persons to any Lands or Hereditaments which have been erroneously or wrongfully granted to any Grantee thereof, contrary to the true Intent and Meaning of the said Proclamation, anything in any such Grant or in this Act to the contrary notwithstanding.

Saving as to Lands erroneously granted.

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## CAP. XXIII.

### An Act to authorize further Advances of Money for the Improvement of Landed Property, and the Extension and Promotion of Drainage and other Works of public Utility, in *Ireland*.

[24th *May* 1849.]

WHEREAS an Act was passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, whereby the Sum of One million five hundred thousand Pounds was authorized to be advanced by way of Loan out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, for the Improvement of Landed Property in *Ireland*: And whereas it is expedient to authorize the Advance of a further Sum of Money for the said Purpose: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury to issue and advance out of the growing Produce of the said Consolidated Fund, in addition to the Sum by the said recited Act authorized, such further Sum or Sums of Money, not exceeding in the whole Three hundred thousand Pounds, as may from Time to Time be required for facilitating the Improvement of

10 & 11 Vict. c. 92.

Treasury may advance 300,000*l.* for Landed Improvements.

Landed Property in *Ireland* by the Owners thereof, the same to be applied for the Purposes and under the Provisions of the said recited Act, or of any other Act in force authorizing Loans to be made for that Purpose.

Provisions of 10 & 11 Vict. c. 32. extended to this Act.

II. And be it enacted, That all the Powers, Authorities, Provisions, Matters, and Things contained in the said recited Act, or applicable to the Loans thereby authorized to be made, shall extend to this Act and the Loans herein-before authorized to be made.

Treasury may advance 200,000*l* for Drainage, &c. 10 & 11 Vict. c 106.

III. And whereas by another Act passed in the same Session of Parliament, intituled *An Act to provide additional Funds for Loans for Drainage and other Works of public Utility in* Ireland, *and to repeal an Act of the last Session for authorizing a further Issue of Money in aid of public Works of acknowledged Utility*, the Sum of Two hundred and fifty thousand Pounds was authorized to be advanced by way of Loan out of the said Consolidated Fund, for the Extension and Promotion of Drainage and other Works of public Utility in *Ireland* · And whereas it is expedient to authorize the Advance of a further Sum of Money for the said Purposes: Be it therefore enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and advance out of the growing Produce of the said Consolidated Fund, in addition to the Sum by the last-recited Act authorized, such further Sum or Sums of Money, not exceeding in the whole the Sum of Two hundred thousand Pounds, as may from Time to Time be required for the Extension and Promotion of Drainage and other Works of public Utility in *Ireland*, the same to be applied for the Purpose of the Loans which the Commissioners of Public Works in *Ireland* may be called upon to make under the Provisions of the Acts now in force authorizing Loans to be made for those Purposes.

Provisions of 10 & 11 Vict. c. 106. extended to this Act.

IV. And be it enacted, That all the Powers, Authorities, Provisions, Matters, and Things, of what Nature or Kind soever, contained in or referred to by the said last-recited Act, or any Act authorizing Loans to be made for the Extension and Promotion of Drainage and other Works of public Utility in *Ireland*, shall extend to this Act, and to Loans hereby authorized to be made for those Purposes.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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assess the same upon the several Unions in *Ireland* in proportion to the annual Value of the Property in each Union rateable to the Relief of the Poor, according to the Valuation thereof for Poor Rates in force for the Time being; provided that the Sum so to be levied in any Union, in each of the said Two Years, shall not exceed Sixpence in the Pound on such annual Value; and the said Commissioners shall transmit to the Guardians of each Union an Order under their Seal, stating the Amount so assessed on such Union, and the Amount thereof which shall be leviable on each Electoral Division of such Union, according to the net annual Value of the rateable Property in such Electoral Divisions respectively.

Upon Receipt of Order from the Poor Law Commissioners for the Levy of such Rate, the Amount leviable on each Electoral Division to be levied and paid into the Bank of Ireland.

II. And be it enacted, That the Guardians of each Union shall, in the Rate to be made on each Electoral Division of the Union next after the Receipt of such Order, provide for the Sum leviable on such Division, according to the Order of the Commissioners as aforesaid; and from and after the making of the Rate on such Division next after the Receipt of such Order the Treasurer of the Union shall, out of all Lodgments made with him of such Rate, or any subsequent Rate, on account of such Division, reserve One Moiety of all such Lodgments, and place the same to the Credit of such Division in an Account to be entitled "The Union Rate in Aid Account," until the whole Sum leviable on such Division under the said Order shall have been reserved and placed to such Account as aforesaid; and the Treasurer of such Union shall pay over from Time to Time all Sums so reserved as aforesaid on account of the Proportion leviable on each Electoral Division into the Bank of *Ireland*, to be there placed to a separate Account in the Name of the Paymaster of Civil Services in *Ireland*, to be entitled "The General Rate in Aid Account."

Commissioners of the Treasury to direct Disposal of Monies arising from the Rate in Aid.

III. And be it enacted, That the Commissioners of Her Majesty's Treasury shall be empowered to order the Payment of the Sum standing in such separate Account at the Bank of *Ireland* as aforesaid, or of any Part thereof, to such Person or Persons, at such Time and Times, and under such Conditions and Restrictions, as the said Commissioners of Her Majesty's Treasury shall think fit, for the Purpose of affording Relief to destitute poor Persons in any Union or Electoral Division in *Ireland*, or of assisting the Emigration of such destitute poor Persons, or for the Purpose of repaying any Advance which may have been made as herein-after provided out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* for any of the Purposes aforesaid.

Commissioners of the Treasury may advance 100,000*l.*

IV. And be it enacted, That for the more speedy affording of such Relief it shall be lawful for the Commissioners of Her Majesty's Treasury

Treasury to direct that any Sum or Sums not exceeding in the whole One hundred thousand Pounds shall be issued and paid, out of the growing Produce of the said Consolidated Fund, to such Person or Persons and at such Time and Times as the said Commissioners shall from Time to Time direct; and such Sum or Sums shall be charged on and be repayable out of the Produce of any Rate or Rates to be levied in any Union or Unions in *Ireland* under the Provisions and in pursuance of this Act.

V. And be it enacted, That an Account shall be made up, of the Sums received and expended under this Act by means of the said Rate in Aid, to the Thirty-first Day of *December* in the present Year, and also a similar Account to the same Day in the Year One thousand eight hundred and fifty, in the Form set forth in the Schedule to this Act annexed; which Accounts shall be laid before Parliament within Ten Days after the first Sitting of Parliament next after the Thirty-first Day of *December* in each of the said Years.

Account to be made up of Receipt and Expenditure in Form in Schedule, and laid before Parliament.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

SCHE-

SCHEDULE to which this Act refers.

| Name of Union. | Valuation of Poor Law. | Amount of Rate in Aid received. | Amount granted out of Rate in Aid. | Total Amount appropriated under Rate in Aid. | Debt due on Union. | Amount of Rate collected. | Amount of Rate remaining uncollected. | Amount applied for Emigration under this Act. | Total Amount of Rate in Aid remaining unissued. |
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## CAP. XXV.

### An Act for giving effect to the Stipulations of a Treaty between Her Majesty and the Queen of *Portugal* for the Apprehension of certain Deserters. [26th *June* 1849.]

WHEREAS by the Sixteenth Article of a Treaty of Commerce and Navigation between Her Majesty and the Queen of *Portugal*, signed at *Lisbon* on the Third Day of *July* One thousand eight hundred and forty-two, the Ratifications whereof were exchanged at *Lisbon* on the Thirtieth Day of the same Month, it was agreed "that if any Apprentices or Sailors "should desert from Vessels belonging to the Subjects of either "of the High Contracting Parties while such Vessels were within "any Port in the Territory of the other Party, the Magistrates "of such Port and Territory should be bound to give every "Assistance in their Power for the Apprehension of such Deser-"ters, on Application to that Effect being made by the Consul "of the Party concerned or by the Deputy or Representative "of the Consul, and no public Body, civil or religious, should "protect or harbour such Deserters;" and by the Nineteenth Article of the said Treaty it was further agreed, "that the said "Treaty should be in force for the Term of Ten Years from the

" Date thereof, and further until the End of Twelve Months after " either of the High Contracting Parties should have given Notice " to the other of its Intention to terminate the same, each of " the High Contracting Parties reserving to itself the Right of " giving such Notice to the other at the End of the said Term " of Ten Years, or at any subsequent Time; and it was thereby " agreed between them that at the Expiration of Twelve Months " after such Notice should have been received by either Party " from the other the said Treaty and all the Provisions thereof " should altogether cease and determine:" And whereas it is expedient that Provision should be made for carrying the said Treaty into effect: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in case any Apprentice or Sailor shall desert from any Vessel belonging to any *Portuguese* Subject or Subjects while such Vessel shall be within any Port in any of Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, all Justices of the Peace and other Magistrates and Officers of Justice within their several Jurisdictions shall, on Application being made by a *Portuguese* Consul, or his Deputy or Representative, according to the Provisions of the said Treaty, aid in apprehending such Apprentice or Sailor; and upon any such Application it shall be lawful for any Justice of the Peace, or other Magistrate or Person having Power to commit for Trial Persons accused of Crimes against the Laws of that Part of Her Majesty's Dominions or Territories in which such Apprentice or Sailor shall be found, to issue his Warrant for the Apprehension of such Apprentice or Sailor, and, upon due Proof of such Desertion as aforesaid, to order such Apprentice or Sailor to be conveyed on board the said Vessel, or to be delivered to the Master, Mate, or Owner of such Vessel, or his Agent, for the Purpose of being so conveyed; and it shall be lawful for such Master, Mate, Owner, or Agent, or any other Person, in pursuance of the Order in that Behalf, to convey such Apprentice or Sailor accordingly.

Deserters from Portuguese Vessels to be apprehended on Application of Consul.

II. And be it enacted, That no Person shall protect or harbour any Apprentice or Sailor who shall have deserted as aforesaid, knowing or having Reason to believe such Apprentice or Sailor to have so deserted, and every Person so offending shall for every such Apprentice or Seaman so protected or harboured forfeit and pay the Sum of Ten Pounds, and such Penalty shall be recovered, paid, and applied in like Manner as the Penalty imposed by an Act passed in the Eighth Year of Her Majesty, intituled *An Act to amend and consolidate the*

Penalty for protecting Deserters.

7 & 8 Vict. c. 112.

*Laws relating to Merchant Seamen, and for keeping a Register of Seamen*, upon a Person harbouring or secreting a Seaman or Apprentice having deserted from his Ship; and the Provisions of such Act applicable to such last-mentioned Penalty, and to the Proceedings for the Recovery thereof, shall be applicable to the Penalty imposed by this Act and to the Proceedings for the Recovery thereof.

III. And be it enacted, That if by any Law or Ordinance to be hereafter made by the local Legislature of any *British* Colony or Possession abroad Provision shall be made for carrying into complete Effect within such Colony or Possession the Objects of this present Act by the Substitution of some other Enactment in lieu thereof, then it shall be competent to Her Majesty, with the Advice of Her Privy Council, (if to Her Majesty in Council it shall seem meet, but not otherwise,) to suspend the Operation within any such Colony or Possession of this present Act, so long as such substituted Enactment shall continue in Force there, and no longer. Limits of the Act.

IV. And be it enacted, That this Act shall continue in force during the Continuance of the said Treaty. Continuance of the Act.

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# VICTORIÆ REGINÆ.

## CAP. XXVI.

### An Act for granting Relief against Defects in Leases made under Powers of Leasing, in certain Cases. [26th *June* 1849.]

WHEREAS, through Mistake or Inadvertence on the Part of Persons granting Leases, and through Ignorance on the Part of Lessees of the Titles of Persons from whom Leases are accepted, Leases granted by Persons having valid Powers of Leasing are frequently invalid as against the Successors in Estate of such Persons by reason of the Nonobservance or Omission of some Condition or Restriction, or by reason of some other Deviation from the Terms of such Powers: And whereas Leases granted in the intended Exercise of such Powers are sometimes invalid as against the Successors in Estate of the Persons granting the same by reason that at the Time of granting the same the Person granting the Lease could not lawfully grant such Lease, although at a subsequent Time, and during the Continuance of his Estate in the Hereditaments comprised in such Lease, he might have granted the same in the lawful Exercise of such Power: And whereas it is expedient that Provision should be made for granting Relief in the Cases aforesaid, in manner after mentioned: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

 and

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in construing this Ac Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number, and Words importing Males shall extend to Females, and the Word "Person" shall include Corporations aggregate or sole, unless in any of the Cases aforesaid there be something in the Context repugnant to such Construction.

Interpretation of Terms.

Leases invalid owing to Deviation from Terms of the Power to be deemed Contracts in Equity for such Leases as might have been granted under the Power.

II. And be it enacted, That where in the intended Exercise of any such Power of Leasing as aforesaid, whether derived under an Act of Parliament or under any Instrument lawfully creating such Power, a Lease has been or shall hereafter be granted, which is, by reason of the Non-observance or Omission of some Condition or Restriction, or by reason of any other Deviation from the Terms of such Power, invalid as against the Person entitled after the Determination of the Interest of the Person granting such Lease to the Reversion, or against other the Person who, subject to any Lease lawfully granted under such Power, would have been entitled to the Hereditaments comprised in such Lease, such Lease, in case the same have been made *bonâ fide*, and the Lessee named therein, his Heirs, Executors, Administrators, or Assigns, (as the Case may require,) have entered thereunder, shall be considered in Equity as a Contract for a Grant, at the Request of the Lessee, his Heirs, Executors, Administrators, or Assigns, (as the Case may require,) of a valid Lease under such Power, to the like Purport and Effect as such invalid Lease as aforesaid, save so far as any Variation may be necessary in order to comply with the Terms of such Power; and all Persons who would have been bound by a Lease lawfully granted under such Power shall be bound in Equity by such Contract: Provided always, that no Lessee under any such invalid Lease as aforesaid, his Heirs, Executors, Administrators, or Assigns, shall be entitled by virtue of any such equitable Contract as aforesaid to obtain any Variation of such Lease, where the Persons who would have been bound by such Contract are willing to confirm such Lease without Variation.

Proviso where the Grantor or Reversioner is willing to confirm.

Acceptance of Rent to be deemed a Confirmation.

III. And be it enacted, That the Acceptance of Rent under any such invalid Lease as aforesaid shall, as against the Person so accepting the same, be deemed a Confirmation of such Lease.

Leases invalid at the granting thereof may become valid if the Grantor continue

IV. And be it enacted, That where a Lease granted in the intended Exercise of any such Power of Leasing as aforesaid is invalid by reason that at the Time of the granting thereof the Person granting the same could not lawfully grant such Lease, but the Estate of such Person in the Hereditaments comprised in such Lease shall have continued

tinued after the Time when such or the like Lease might have been granted by him in the lawful Exercise of such Power, then and in every such Case such Lease shall take effect, and be as valid as if the same had been granted at such last-mentioned Time, and all the Provisions herein contained shall apply to every such Lease.

in the Ownership until the Time when he might lawfully grant such a Lease.

V. And be it enacted, That when a valid Power of Leasing is vested in or may be exercised by a Person granting a Lease, and such Lease (by reason of the Determination of the Estate or Interest of such Person or otherwise) cannot have Effect and Continuance according to the Terms thereof, independently of such Power, such Lease shall, for the Purposes of this Act, be deemed to be granted in the intended Exercise of such Power, although such Power be not referred to in such Lease.

What shall be deemed an intended Exercise of a Power.

VI. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to prejudice or take away any Right of Action or other Right or Remedy to which, but for the passing of this Act, the Lessee named in any such Lease as aforesaid, his Heirs, Executors, Administrators, or Assigns, would or might have been entitled, under or by virtue of any Covenant for Title or quiet Enjoyment contained in such Lease on the Part of the Person granting the same, or to prejudice or take away any Right of Re-entry or other Right or Remedy to which, but for the passing of this Act, the Person granting such Lease, his Heirs, Executors, Administrators, or Assigns, or other the Person for the Time being entitled to the Reversion expectant on the Determination of such Lease, would or might have been entitled, for or by reason of any Breach of the Covenants, Conditions, or Provisoes contained in such Lease, and on the Part of the Lessee, his Heirs, Executors, Administrators, or Assigns, to be observed and performed.

Saving the Rights of the Lessees under Covenants for Title and for quiet Enjoyment, and the Lessor's Right of Re-entry for Breach of Covenant, &c.

VII. And be it enacted, That this Act shall not extend to any Lease by an Ecclesiastical Corporation or Spiritual Person, or to any Lease of the Possessions of any College, Hospital, or Charitable Foundation, or to any Lease where, before the passing of this Act, the Hereditaments comprised in such Lease have been surrendered or relinquished, or recovered adversely by reason of the Invalidity thereof, or there has been any Judgment or Decree in any Action or Suit concerning the Validity of such Lease, and shall not prejudice or affect any Action or Suit already commenced and now pending in any Court of Law or Equity, but every such Action and Suit may be proceeded with, and such Relief had therein, as if this Act had not passed.

Act not to extend to certain Leases.

Pending Suits not to be prejudiced.

VIII. And

Act not to extend to Scotland.

VIII. And be it enacted, That this Act shall not extend to *Scotland*.

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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shall be as effectual in the Law, and shall be carried into execution by the Transportation of such Offender to any Place beyond the Seas to which Offenders may be transported, in the same Manner as if such Warrant had been a Sentence and Order for the Transportation for the like Term of such Offender pronounced, made, and recorded in respect of an Offence in respect of which such Sentence and Order might have been pronounced and made by a Court of competent Jurisdiction.

Warrants to be recorded.

II. And be it enacted, That every such Warrant shall be lodged with the Clerk of the Crown or Clerk of the Peace acting for the Court where the Judgment of Death hath been or shall be pronounced or recorded, to be kept among the Records of such Court.

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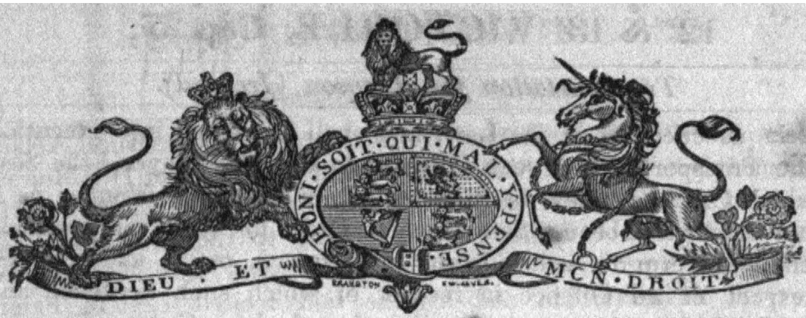


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therein named of the other Part, and by virtue of Two several Acts of Parliament passed in the Sixteenth Year of the Reign of His Majesty King *George* the Third and the Tenth Year of the Reign of His Majesty King *George* the Fourth, relating to the Property of the Commissioners of *Greenwich* Hospital, the said Two Markets and Court of Piepowder in and by the said recited Letters Patent granted, together with the said Letters Patent, and all Tolls, and other Profits, Benefits, Advantages, and Appurtenances whatsoever to them belonging or appertaining, or that should come or accrue by the same, became vested in the Commissioners of *Greenwich* Hospital and their Successors, in trust for and as Part of the Estates and Property of the said Hospital: And whereas the said Commissioners have at considerable Expense erected on certain Ground, forming Part of the Estates and Property of the said Hospital, a commodious Market Place, with suitable Buildings, in which the said Markets are now carried on: And whereas the said Markets are of great Benefit and Advantage to the Inhabitants of the Parish of *Greenwich*, and it is expedient that the said Commissioners should be empowered to make proper Rules and Regulations for the better Management thereof: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That "The Markets and Fairs Clauses Act, 1847," shall be incorporated with and form Part of this Act, except so far as the same is inconsistent therewith or may be hereby varied or altered.

10 & 11 Vict. c. 14. incorporated with this Act.

Short Title of Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, and in Deeds, legal Instruments, and legal and other Proceedings, it shall be sufficient to use the Expression "The *Greenwich* Markets Act, 1849."

Commissioners of Greenwich Hospital to be Undertakers for regulating the Market.

III. And be it enacted, That the Commissioners of *Greenwich* Hospital shall be the Undertakers for regulating and managing the Markets according to the Provisions of this Act and the Act incorporated herewith.

Limits of Act.

IV. And be it enacted, That the Limits within which this and the said incorporated Act shall be put in force shall be the said Parish of *Greenwich*.

Tolls to be taken.

V. And be it enacted, That immediately after the passing of this Act all Tolls, Pickage, Stallage, Rents, and Duties whatsoever which have

have been heretofore demanded by the said Commissioners under the Authority of the said recited Letters Patent, or by Custom or otherwise, and all Exemptions from the Payment of such Tolls, Pickage, Stallage, Rents, and Duties which have been heretofore claimed by any Person or Persons whomsoever, shall cease, and the same are hereby absolutely extinguished, and it shall be lawful for the said Commissioners and their Successors from Time to Time to demand from any Person or Persons occupying or using any Stand, Stall, Shed, or Place in the Market Place or Buildings, or bringing into any such Market Place or Buildings any Poultry, or marketable Provisions, Goods, Wares, Merchandize, Articles, or Things specified in the Schedule to this Act annexed, such Stallage, Rents, and Tolls as the said Commissioners shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Tolls specified in the said Schedule.

Tolls for weighing or measuring.

VI. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Weighing House or Place for weighing or measuring any Article sold in the Market Place and Buildings by Weight or Measure, or for weighing any Waggon or Cart, from Time to Time to demand such Tolls as the said Commissioners or their Successors shall appoint, not exceeding in any Case the Amount specified in the Schedule to this Act annexed.

Bye Laws to be in Writing, and signed by Two of the Commissioners.

VII. And be it enacted, That with respect to any Bye Laws to be made under the Authority of this Act and the Act incorporated herewith the same shall be reduced to Writing under the Hands and Seals of the said Commissioners or their Successors, or any Two or more of them.

Saving the Rights of the City of London.

VIII. Provided always, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to prejudice or derogate from the Estates, Rights, Interests, Privileges, Franchises, or Authorities of the Mayor and Commonalty and Citizens of the City of *London*, or their Successors, or the Lord Mayor of the said City for the Time being, nor to prohibit, defeat, alter, or diminish any Power, Authority, or Jurisdiction which at the Time of passing this Act the said Mayor and Commonalty, and Citizens, or the said Lord Mayor for the Time being, did or might lawfully claim, use, or exercise.

Saving the Rights of the Churchwardens, Overseers, and Parishioners, and

IX. Provided also, and be it enacted, That nothing in this Act contained shall be deemed, construed, or taken to alter, take away, abridge, prejudice, or in any Manner interfere with the Rights, Powers, Jurisdictions, and Authorities of the Churchwardens, Overseers

the Churchwardens, Overseers, and Governors and Directors of the Parish of Greenwich.

9 G. 4. c. xliii.

seers of the Poor, and Parishioners, or the Churchwardens, Overseers, and Governors and Directors of the Poor of the said Parish of *Greenwich* for the Time being acting under and by virtue of an Act passed in the Ninth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repealing an Act of the Twenty-sixth Year of the Reign of King* George *the Second, for the better Relief and Employment of the Poor in the Parish of* East Greenwich *in the County of* Kent, *and for repairing the Highways and cleansing the Streets thereof, and for making more effectual Provisions in lieu of the said Act*, and also of an Act passed in the Fourth Year of the Reign of His said late Majesty, intituled *An Act for lighting and watching the Parish and Town of* Greenwich *in the County of* Kent, *and removing and preventing Nuisances therein.*

4 G. 4. c. lxx.

Public Act.

X. And be it enacted, That this Act shall be a Public Act, and judicially taken notice of as such.

SCHE-

## SCHEDULE to which this Act refers.

### Table of Tolls, Rents, and Stallages.

For every Stall, Bulk, Block, Tressel, or Station used by any Person for exposing to Sale Meat, Fish, or any other live or dead Victuals, Fruit, China, Glass, Earthenware, or other Goods, Articles, Commodities, or Things, according to the Size or Dimensions of the same; viz. for each Superficial Square Foot thereof: —

| | £ | s. | d. |
|---|---|---|---|
| If such Stall, Bulk, Block, Tressel, or Station be within the covered Market Place:— | | | |
| If taken by the Year, the Sum of - - - | 0 | 4 | 0 |
| By the Half Year, the Sum of - - - - | 0 | 2 | 0 |
| By the Quarter, the Sum of - - - - | 0 | 1 | 0 |
| If otherwise taken, for each Market Day or other Day, the Sum of - - - - - - | 0 | 0 | 1 |
| If such Stall, Bulk, Block, Tressel, or Station be not within the covered Market:— | | | |
| If taken by the Year, the Sum of - - - | 0 | 2 | 0 |
| By the Half Year, the Sum of - - - - | 0 | 1 | 0 |
| By the Quarter, the Sum of - - - - - | 0 | 0 | 6 |
| If otherwise taken, for each Market Day or other Day, the Sum of - - - - - - | 0 | 0 | 0½ |
| For every Waggon used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, for each Market Day or other Day, the Sum of - - | 0 | 1 | 6 |
| For any Cart used by any Person for the like Purpose, for each Market Day or other Day:— | | | |
| If drawn by One Horse or other Animal, the Sum of - | 0 | 0 | 9 |
| If drawn by Two or more Horses, or other Animals, the Sum of - - - - - - | 0 | 1 | 0 |
| For each Compartment or Space on the Surface of the Ground used by any Person for the like Purpose, according to the Size or Dimensions of the same; viz. for each Superficial Square Foot thereof:— | | | |
| If the Compartment or Space be within the covered Market.— | | | |
| If taken by the Year, the Sum of - - - | 0 | 2 | 0 |
| By the Half Year, the Sum of - - - - | 0 | 1 | 0 |
| By the Quarter, the Sum of - - - - | 0 | 0 | 6 |
| If otherwise taken, for every Market Day or other Day in the Week, the Sum of - - - - | 0 | 0 | 0½ |
| If the Compartment or Space be not within the covered Market:— | | | |
| If taken by the Year, the Sum of - - - - | 0 | 1 | 0 |
| By the Half Year, the Sum of - - - - | 0 | 0 | 6 |
| By the Quarter, the Sum of - - - - | 0 | 0 | 3 |
| If otherwise taken, for each Market Day or other Day, the Sum of - - - - - - | 0 | 0 | 0¼ |

| | £ | s. | d. |
|---|---|---|---|
| From any Person exposing for Sale any Article, Matter, or Thing not herein specifically charged, and not occupying any Stall, Bulk, Block, Tressel, or Station, nor any defined Compartment or Space on the Surface of the Ground: — | | | |
| If the Spot on which such Person shall stand be within the covered Market: — | | | |
| For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Market Day or other Day, the Sum of - - - - - | 0 | 0 | 1½ |
| If the Spot be not situate within the covered Market: — | | | |
| For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Market Day or other Day, the Sum of - - - - | 0 | 0 | 1 |
| For every Horse, Gelding, or Mare brought or offered for Sale, the Sum of - - - - - - | 0 | 0 | 6 |
| For every Colt, Filly, Mule, or Ass, the Sum of - - | 0 | 0 | 2 |
| For every Bull, Ox, Cow, Steer, or Heifer, the Sum of - - | 0 | 0 | 2 |
| For every Calf, the Sum of - - - - - | 0 | 0 | 0½ |
| For every Score of Sheep or Lambs, and so in proportion for any less or greater Number, the Sum of - - - - | 0 | 0 | 3 |
| For every Head of Swine, the Sum of - - - - | 0 | 0 | 1 |
| For Poultry and Game, including Fowls, Chickens, and Ducks, Wild Fowls, Pigeons, Rabbits, Hares, Pheasants, Partridges, and other Game, exposed for Sale, according to the Number thereof; viz.: — | | | |
| Not more than Half a Dozen, the Sum of - - | 0 | 0 | 1 |
| For each additional Half Dozen, the Sum of - - | 0 | 0 | 1 |
| WEIGHING OR MEASURING. | | | |
| For every Hide, the Sum of - - - - | 0 | 0 | 0½ |
| For every Lot of Tallow, the Sum of - - - - | 0 | 0 | 0½ |
| For every Flitch of Bacon, the Sum of - - - - | 0 | 0 | 0½ |
| For every Skin, the Sum of - - - - - | 0 | 0 | 0½ |
| For every Sheep, Lamb, or Calf, the Sum of - - | 0 | 0 | 0½ |
| For every Bull, Ox, Steer, Cow, or Heifer, the Sum of - - | 0 | 0 | 2 |
| If weighed in Quarters, for each Quarter, the Sum of - | 0 | 0 | 0½ |
| For all other Articles sold in the Market, being not more than Twenty Pounds Weight, the Sum of - - - | 0 | 0 | 0½ |
| Being not more than One Hundred Weight, the Sum of - | 0 | 0 | 1 |
| For each additional One Hundred Weight, the Sum of - | 0 | 0 | 1 |
| For all Goods and Articles sold in the Market by Measure, for each Bushel, the Sum of - - - - | 0 | 0 | 0½ |
| WEIGHING MACHINES. | | | |
| For weighing any Waggon, the Sum of - - - | 0 | 0 | 6 |
| For weighing any Cart, the Sum of - - - - | 0 | 0 | 3 |

The Stallage and the several Tolls and Rents before mentioned and specified to be payable and paid for in respect of the Occupation or Use of any Stall, Standing Place, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof, for a Part or Portion of the Day, in case he shall not occupy the same the whole Day, as also by any subsequent Taker or Occupier of the same for the Residue of any Part or Portion of the same Day.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. XXIX.

### An Act to amend the Laws in force for the Encouragement of *British* Shipping and Navigation.

[26th *June* 1849.]

WHEREAS it is expedient to amend the Laws now in force for the Encouragement of *British* Shipping and Navigation: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the First Day of *January* One thousand eight hundred and fifty the following Acts and Parts of Acts shall be repealed; (that is to say,) a certain Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for the Encouragement of* British *Shipping and Navigation*; and so much of a certain other Act passed in the said Session of Parliament, intituled *An Act for the registering of* British *Vessels*, as limits the Privileges of Vessels registered at *Malta*, *Gibraltar*, and *Heligoland*; and so much thereof as provides that no Ship or Vessel shall be registered, except such as are wholly of the Build of some Part of the *British* Dominions; and so much as relates to the Disqualification of Ships repaired in a Foreign Country; and so much

Certain Acts repealed from and after 1st January 1850.

8 & 9 Vict. c. 88

8 & 9 Vict. c 89.

Sec. 3.

Sec. 5.

Sec. 7.

Sec. 9.

as prevents *British* Ships which have been captured by or sold to Foreigners from becoming entitled to be again registered as *British* in case the same again become the Property of *British* Subjects; and so much of a certain other Act passed in the said Session of Parliament, intituled *An Act to regulate the Trade of* British *Possessions abroad*, as provides that no Goods shall be imported into or exported from any of the *British* Possessions in *America* by Sea from or to any Place other than the United Kingdom, or some other of such Possessions, except into or from the several Ports denominated Free Ports; and so much thereof as provides for the Limitation of the Privileges allowed to Foreign Ships by the Law of Navigation in respect of Importations into the *British* Possessions in *Asia*, *Africa*, and *America*; and so much thereof as provides that no Vessel or Boat shall be admitted to be a *British* Vessel or Boat on any of the Inland Waters or Lakes of *America*, except such as shall have been built at some Place within the *British* Dominions, and shall not have been repaired at any Foreign Place to a greater Extent than in the said Act is mentioned; and so much of a certain other Act passed in the said Session of Parliament, intituled *An Act for the general Regulation of the Customs*, as prohibits the Importation of Train Oil, Blubber, Spermaceti Oil, Head-matter, Skins, Bones, and Fins, the Produce of Fish or Creatures living in the Sea, unless in Vessels which shall have been cleared out regularly with such Oil, Blubber, or other Produce on board from some Foreign Port; and so much thereof as prohibits the Importation of Tea, unless from the *Cape of Good Hope*, or from Places Eastward of the same to the *Straits of Magellan*; and so much of a certain Act passed in the Session of Parliament holden in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act to amend and consolidate the Laws relating to Merchant Seamen, and for keeping a Register of Seamen*, as provides that the Master or Owner of every Ship belonging to any Subject of Her Majesty, and of the Burden of Eighty Tons or upwards, (except Pleasure Yachts,) shall have on board at the Time of her proceeding from any Port of the United Kingdom, and at all Times when absent from the United Kingdom, or navigating the Seas, One Apprentice or more in a certain Proportion to the Number of Tons of his Ship's Admeasurement, and that if any such Master or Owner shall neglect to have on board his Ship the Number of Apprentices thereby required, together with their respective registered Indentures, Assignments, and Register Tickets, he shall forfeit and pay the Sum of Ten Pounds in respect of each Apprentice, Indenture, Assignment, or Register Ticket so wanting or deficient; also an Act passed in the Thirty-seventh Year of the Reign of King *George* the Third, intituled *An Act for regulating the Trade to be carried on*

8 & 9 Vict. c. 93. Sec. 2. Sec. 4. Sec. 44. 8 & 9 Vict. c. 86. s. 63. 7 & 8 Vict. c. 112. s. 37. 37 G. 3. c. 117.

*with the* British *Possessions in* India *by the Ships of Nations in Amity with His Majesty;* and so much of a certain Act passed in the Session of Parliament holden in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act to consolidate and amend the several Laws now in force with respect to Trade from and to Places within the Limits of the Charter of the* East India *Company, and to make further Provisions with respect to such Trade, and to amend an Act of the present Session of Parliament for the registering of Vessels, so far as it relates to Vessels registered in* India, as enacts that no *Asiatic* Sailors, Lascars, or Natives of any of the Territories, Countries, Islands, or Places within the Limits of the Charter of the *East India* Company, shall at any Time be deemed or taken to be *British* Seamen within the Intent and Meaning of any Act or Acts of Parliament relating to the Navigation of *British* Ships by Subjects of Her Majesty; and also the following Acts and Parts of Acts; so much of a certain Act passed in the Fourth Year of the Reign of King *George* the Fourth, intituled *An Act to authorize His Majesty, under certain Circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in Foreign Vessels, and to exempt certain Foreign Vessels from Pilotage,* as relates to the Regulation of Duties and Drawbacks; also an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act to indemnify all Persons concerned in advising, issuing, or acting under a certain Order in Council for regulating the Tonnage Duties on certain Foreign Vessels, and to amend an Act of the last Session of Parliament for authorizing His Majesty, under certain Circumstances, to regulate the Duties and Drawbacks on Goods imported or exported in any Foreign Vessels;* also so much of an Act passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act for granting Duties of Customs,* as empowers Her Majesty in Council in certain Cases to direct that additional Duties shall be levied on Articles the Growth, Produce, or Manufacture of Foreign Countries, or upon Goods imported in the Ships of Foreign Countries, or to prohibit the Importation of manufactured Articles the Produce of Foreign Countries; also so much of an Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws for the Importation of Corn,* as enables Her Majesty, under certain Circumstances, to prohibit the Importation of Corn, Grain, Meal, or Flour from the Dominions of certain Foreign Powers; and the said several Acts and Parts of Acts before mentioned are hereby accordingly repealed, except so far as the said Acts or any of them repeal any former Act or Acts, or any Part of such Act or Acts, and except so far as relates to any Penalty or Forfeiture which shall have been

4 G. 4. c. 80. s. 20.

4 G. 4. c. 77.

5 G. 4. c. 1.

8 & 9 Vict. c. 90. s. 8.

5 & 6 Vict. c. 14. s. 6.

been incurred under the said Act or Acts hereby repealed or any of them, or to any Offence which shall have been committed contrary to such Act or Acts or any of them.

*Coasting Trade*

Coasting Trade of United Kingdom and Isle of Man.

II. And be it enacted, That no Goods or Passengers shall be carried Coastwise from one Part of the United Kingdom to another, or from the United Kingdom to the *Isle of Man*, or from the *Isle of Man* to the United Kingdom, except in *British* Ships.

Trade with the Channel Islands.

III. And be it enacted, That no Goods or Passengers shall be imported into the United Kingdom from any of the Islands of *Guernsey*, *Jersey*, *Alderney*, or *Sark*, nor shall any Goods or Passengers be exported from the United Kingdom to any of the said Islands, nor shall any Goods or Passengers be carried from any of the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man* to any other of the said Islands, nor from one Part of any of the said Islands to another Part of the same Island, except in *British* Ships.

Coasting Trade of the British Possessions.

IV. And be it enacted, That no Goods or Passengers shall be carried from one Part of any *British* Possession in *Asia*, *Africa*, or *America* to another Part of the same Possession, except in *British* Ships.

Queen in Council may regulate Coasting Trade of Colonies on their Address.

V. Provided always, and be it enacted, That if the Legislature or proper legislative Authority of any such *British* Possession shall present an Address to Her Majesty, praying Her Majesty to authorize or permit the Conveyance of Goods or Passengers from one Part of such Possession to another Part thereof in other than *British* Ships, or if the Legislatures of any Two or more Possessions, which for the Purposes of this Act Her Majesty in Council shall declare to be neighbouring Possessions, shall present Addresses or a joint Address to Her Majesty, praying Her Majesty to place the Trade between them on the Footing of a Coasting Trade, or of otherwise regulating the same, so far as relates to the Vessels in which it is to be carried on, it shall thereupon be lawful for Her Majesty, by Order in Council, so to authorize the Conveyance of such Goods or Passengers, or so to regulate the Trade between such neighbouring Possessions, as the Case may be, in such Terms and under such Conditions, in either Case, as to Her Majesty may seem good.

Coasting Trade of India to be regulated by Governor General in Council.

VI. And with regard to the Coasting Trade of *India*, be it enacted, That it shall be lawful for the Governor General of *India* in Council to make any Regulations authorizing or permitting the Conveyance of Goods or Passengers from one Part of the Possessions of the *East India* Company to another Part thereof in other than

than *British* Ships, subject to such Restrictions or Regulations as he may think necessary; and such Regulations shall be of equal Force and Effect with any Laws and Regulations which the said Governor General in Council is now or may hereafter be authorized to make, and shall be subject to Disallowance and Repeal in like Manner as any other Laws or Regulations made by the said Governor General in Council under the Laws from Time to Time in force for the Government of the *British* Territories in *India*, and shall be transmitted to *England*, and be laid before both Houses of Parliament, in the same Manner as any other Laws or Regulations which the Governor General in Council is now or may hereafter be empowered to make. *Coasting Trade.*

VII. And be it enacted, That no Ship shall be admitted to be a *British* Ship unless duly registered and navigated as such; and that every *British*-registered Ship (so long as the Registry of such Ship shall be in force, or the Certificate of such Registry retained for the Use of such Ship,) shall be navigated during the whole of every Voyage (whether with a Cargo or in Ballast) in every Part of the World by a Master who is a *British* Subject, and by a Crew whereof Three Fourths at least are *British* Seamen; and if such Ship be employed in a Coasting Voyage from one Part of the United Kingdom to another, or in a Voyage between the United Kingdom and the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, or *Man*, or from one of the said Islands to another of them, or from one Part of either of them to another of the same, or be employed in fishing on the Coasts of the United Kingdom or of any of the said Islands, then the whole of the Crew shall be *British* Seamen: Provided always, that if a due Proportion of *British* Seamen cannot be procured in any Foreign Port, or in any Place within the Limits of the *East India* Company's Charter, for the Navigation of any *British* Ship, or if such Proportion be destroyed during the Voyage by any unavoidable Circumstance, and the Master of such Ship make Proof of the Truth of such Facts to the Satisfaction of the Collector and Controller of the Customs at any *British* Port, or of any Person authorized in any other Part of the World to inquire into the Navigation of such Ship, the same shall be deemed to be duly navigated: Provided also, that every *British* Ship (except such as are required to be wholly navigated by *British* Seamen) which shall be navigated by One *British* Seaman for every Twenty Tons of the Burthen of such Ship shall be deemed to be duly navigated, although the Number of other Seamen shall exceed One Fourth of the whole Crew.

*British Ships.*

No Ship British unless registered and navigated as such.

Proviso.

VIII. And be it enacted, That no Person shall be deemed to be a *British* Seaman, or to be duly qualified to be Master of a *British* Vessel,

What Persons to be British Seamen.

*British Ships.*

Vessel, except Persons of One of the following Classes; (that is to say,) natural-born Subjects of Her Majesty; Persons naturalized by or under any Act of Parliament, or by or under any Act or Ordinance of the Legislature or proper legislative Authority of One of the *British* Possessions, or made Denizens by Letters of Denization; Persons who have become *British* Subjects by virtue of the Conquest or Cession of some newly acquired Country, and who have taken the Oath of Allegiance to Her Majesty, or the Oath of Fidelity required by the Treaty or Capitulation by which such newly acquired Country came into Her Majesty's Possession; *Asiatic* Sailors or Lascars, being Natives of any of the Territories, Countries, Islands, or Places within the Limits of the Charter of the *East India* Company, and under the Government of Her Majesty or of the said Company; and Persons who have served on board any of Her Majesty's Ships of War, in Time of War, for the Space of Three Years.

Proportion of Seamen may be altered by Proclamation.

IX. And be it enacted, That if Her Majesty shall at any Time by Her Royal Proclamation declare that the Proportion of *British* Seamen necessary to the due Navigation of *British* Ships shall be less than the Proportion required by this Act, every *British* Ship navigated with the Proportion of *British* Seamen required by such Proclamation shall be deemed to be duly navigated, so long as such Proclamation shall remain in force.

*Reciprocity.*

Queen may restrict the Privileges of Foreign Ships in certain Cases;

X. And be it enacted, That in case it shall be made to appear to Her Majesty that *British* Vessels are subject in any Foreign Country to any Prohibitions or Restrictions as to the Voyages in which they may engage, or as to the Articles which they may import into or export from such Country, it shall be lawful for Her Majesty (if She think fit), by Order in Council, to impose such Prohibitions or Restrictions upon the Ships of such Foreign Country, either as to the Voyages in which they may engage, or as to the Articles which they may import into or export from any Part of the United Kingdom or of any *British* Possession in any Part of the World, as Her Majesty may think fit, so as to place the Ships of such Country on as nearly as possible the same Footing in *British* Ports as that on which *British* Ships are placed in the Ports of such Country.

and may impose additional Duties.

XI. And be it enacted, That in case it shall be made to appear to Her Majesty that *British* Ships are either directly or indirectly subject in any Foreign Country to any Duties or Charges of any Sort or Kind whatsoever from which the national Vessels of such Country are exempt, or that any Duties are imposed upon Articles imported or exported in *British* Ships which are not equally imposed upon the like Articles imported or exported in national Vessels, or that any



Preference

Preference whatsoever is shown either directly or indirectly to national Vessels over *British* Vessels, or to Articles imported or exported in national Vessels over the like Articles imported or exported in *British* Vessels, or that *British* Trade and Navigation is not placed by such Country upon as advantageous a Footing as the Trade and Navigation of the most favoured Nation, then and in any such Case it shall be lawful for Her Majesty (if She think fit), by Order in Council, to impose such Duty or Duties of Tonnage upon the Ships of such Nation entering into or departing from the Ports of the United Kingdom, or of any *British* Possession in any Part of the World, or such Duty or Duties on all Goods, or on any specified Classes of Goods, imported or exported in the Ships of such Nation, as may appear to Her Majesty justly to countervail the Disadvantages to which *British* Trade or Navigation is so subjected as aforesaid. *Reciprocity.*

XII. And be it enacted, That in every such Order Her Majesty may, if She so think fit, specify what Ships are to be considered as Ships of the Country or Countries to which such Order applies, and all Ships answering the Description contained in such Order shall be considered to be Ships of such Country or Countries for the Purposes of such Order. Order in Council to specify Ships to which it applies.

XIII. And be it enacted, That it shall be lawful for Her Majesty from Time to Time to revoke any Order or Orders in Council made under the Authority of this Act. Orders may be revoked.

XIV. And be it enacted, That every such Order in Council as aforesaid shall, within Fourteen Days after the issuing thereof, be Twice published in the *London Gazette*, and that a Copy thereof shall be laid before both Houses of Parliament within Six Weeks after the issuing the same, if Parliament be then sitting, and if not then within Six Weeks after the Commencement of the then next Session of Parliament. Orders to be published in "Gazette," and to be laid before Parliament.

XV. And be it enacted, That if any Goods be imported, exported, or carried Coastwise contrary to this Act, all such Goods shall be forfeited, and the Master of the Ship in which the same are so imported, exported, or carried Coastwise shall forfeit the Sum of One hundred Pounds, except where any other Penalty is hereby specially imposed. Penalties.

XVI. And be it enacted, That all Penalties and Forfeitures incurred under this Act shall be sued for, prosecuted, recovered, and disposed of, or shall be mitigated or restored, in like Manner and by the same Authority as any Penalty or Forfeiture can be sued for, prosecuted, recovered, and disposed of, or may be mitigated or restored, Penalties, how to be recovered.

restored, under an Act passed in the said Session of Parliament holden in the Eighth and Ninth Years of Her present Majesty, intituled *An Act for the Prevention of Smuggling;* and that the Costs of all Proceedings under this Act shall be defrayed out of the Consolidated Duties of Customs.

8 & 9 Vict. c. 87.

*Registry.*

Who may be Owners of British Vessels.

XVII. And be it enacted, That all natural-born Subjects of Her Majesty, and all Persons made Denizens by Letters of Denization, and all Persons naturalized by or under any Act of Parliament, or by or under any Act or Ordinance of the Legislature or proper legislative Authority of any of the *British* Possessions in *Asia*, *Africa*, or *America*, and all Persons authorized by or under any such Act or Ordinance to hold Shares in *British* Shipping, shall, on taking the Oath of Allegiance to Her Majesty, Her Heirs and Successors, be deemed to be duly qualified to be Owners or Part Owners of *British*-registered Vessels, anything in the said recited Act for the registering of *British* Shipping to the contrary in anywise notwithstanding.

Form of Certificate of Registry.

XVIII. And be it enacted, That the following Form of Certificate shall be substituted for the Form of Certificate prescribed by the said Act for the registering of *British* Shipping:

'THIS is to certify, That [*here insert the Names, Occupations, and*
' *Residence of the subscribing Owners*], having made and subscribed
' the Declaration required by Law, and having declared that [he *or*
' they], together with [*Names, Occupations, and Residence of non-*
' *subscribing Owners*], is [*or* are] sole Owner [*or* Owners] in the Pro-
' portions specified on the Back hereof of the Ship or Vessel called the
' [*Ship's Name*] of [*Place to which the Vessel belongs*], which is of
' the Burthen of [*Number of Tons*], and whereof [*Master's Name*] is
' Master, and that the said Ship or Vessel was [*when and where built,*
' *or condemned as Prize, referring to Builder's Certificate, Judge's*
' *Certificate, or Certificate of last Registry, then delivered up to be*
' *cancelled, or (if the Vessel was Foreign built, and the Time and*
' *Place of building not known,)* was Foreign, and that he *or* they
' did not know the Time or Place of building], and [*Name and Em-*
' *ployment of Surveying Officer*] having certified to us that the said
' Ship or Vessel has [*Number*] Decks and [*Number*] Masts, that her
' Length from the inner Part of the main Stem to the fore Part of
' the Sternpost aloft is [ Feet Tenths], her Breadth
' in Midships is [ Feet Tenths], her Depth in Hold at
' Midships is [ Feet Tenths], that she is [*how rigged*]
' rigged with a [standing *or* running] Bowsprit, is [*Description of*
' *Stern*] sterned, [Carvel *or* Clincher] built, has [*whether any or not*]
' Gallery,

Registry.

'Gallery, and [*Kind of Head, if any,*] Head, that the Framework and 'planking [*or* plating] is [*state whether of Wood or Iron*] and that 'she is [*state whether a Sailing Vessel or a Steamer, and if a Steamer, 'state whether propelled by Paddle Wheels or Screw Propellers*]; and 'the said subscribing Owners having consented and agreed to the 'above Description, and having caused sufficient Security to be 'given as required by Law, the said Ship or Vessel called the '[*Name*] has been duly registered at the Port of [*Name of Port*]. 'Certified under our Hands at the Custom House in the said Port 'of [*Name of Port*], this [*Date*] Day of [*Name of Month*] in the 'Year [*Words at Length*].

'(Signed) Collector.
'(Signed) Comptroller.'

And on the Back of such Certificate of Registry there shall be an Account of the Parts or Shares held by each of the Owners mentioned and described in such Certificate, in the Form and Manner following:

| Names of the several Owners within mentioned. | Number of Sixty-fourth Shares held by each Owner. |
|---|---|
| [*Name*] - - - - | - - - *Thirty-two.* |
| [*Name*] - - - - | - - - *Sixteen.* |
| [*Name*] - - - - | - - - *Eight.* |
| [*Name*] - - - - | - - - *Eight.* |

(Signed) Comptroller.
(Signed) Collector.

Form of Declaration.

XIX. And be it enacted, That the following Declaration shall be substituted for the Declaration by the said Act directed to be made by the Owner or Owners of any Vessel previous to the Registry thereof:

'I *A.B.* of [*Place of Residence and Occupation*] do truly declare, 'That the Ship or Vessel [*Name*] of [*Port or Place*], whereof '[*Master's Name*] is at present Master, being [*Kind of Build, 'Burthen, et cætera, as described in the Certificate of the Surveying 'Officer*], was [*when and where built, or, if Prize or forfeited, Cap-'ture, and Condemnation as such, or (if the Vessel be Foreign built, 'and the Owner does not know when and where she was built,*) that 'the said Vessel is Foreign built, and that I do not know the Time 'and Place of her building], and that I the said *A.B.* [*and the 'other Owners Names and Occupations, if any, and where they 'respectively reside,*] am [*or* are] sole Owner [*or* Owners] of the 'said Vessel, and that no other Person or Persons whatever hath or 'have any Right, Title, Interest, Share, or Property therein or 'thereto; and that I the said *A.B.* [and the said other Owners,

Registry.

'*if any*,] am [*or* are] truly and bonâ fide a Subject [*or* Subjects] 'of Great Britain, and that I the said *A.B.* have not [nor have 'any of the other Owners, to the best of my Knowledge and 'Belief,] taken the Oath of Allegiance to any Foreign State what-'ever [*except under the Terms of some Capitulation, describing 'the Particulars thereof*], or that since my taking [*or* his *or* their 'taking] the Oath of Allegiance to [*naming the Foreign States 'respectively to which he or any of the said Owners shall have taken 'the same*] I have [*or* he *or* they hath *or* have] become a Denizen '[*or* Denizens, *or* naturalized Subject *or* Subjects, *as the Case may 'be*,] of the United Kingdom of Great Britain and Ireland, by Her 'Majesty's Letters Patent [*or* by an Act of Parliament, *or* by or under 'or by virtue of an Act or Ordinance of the Legislature of '  *or* have been authorized by an Act or Ordinance of the 'Legislature of  to hold Shares in British Shipping 'within the said Colony, and since the passing of such Act or Ordi-'nance I have [*or* he *or* they hath *or* have] taken the Oath of Allegi-'ance to Her Majesty Queen Victoria] [*naming the Times when such 'Letters of Denization have been granted respectively, or the Year or 'Years in which such Act or Acts of Naturalization, or such Colonial 'Acts or Ordinances, have passed respectively*], and that no Foreigner, 'directly or indirectly, hath any Share or Part Interest in the said 'Ship or Vessel:'

Provided always, that if it shall become necessary to register any Ship or Vessel belonging to any Corporate Body in the United Kingdom, the following Declaration, in lieu of the Declaration hereinbefore directed, shall be made and subscribed by the Secretary or other proper Officer of such Corporate Body; (that is to say,)

'I *A.B.*, Secretary *or* Officer of [*Name of Company or Corpo-'ration*], do truly declare, That the Ship or Vessel [*Name*] 'of [*Port*] whereof [*Master's Name*] is at present Master, being '[*Kind of Build, Burthen, &c., as described in the Certificate of 'the Surveying Officer*], was [*when and where built, or, if Prize or 'forfeited, Capture and Condemnation as such*], or [*if the Vessel 'be Foreign built, and that such Secretary or Officer does not know 'when and where built*,] that the said Vessel is Foreign built, and 'that I do not know the Time and Place of the building, and that 'the same doth wholly and truly belong to [*name the Company or 'Corporation.*]'

Proviso for Vessels under Fifteen Tons Burthen in Inland Navigation, and for Ves-

XX. And be it enacted, That notwithstanding that by the said recited Act for the registering of *British* Vessels it is enacted, that in case any Ship, not being duly registered, shall exercise any of the Privileges of a *British* Vessel, the same shall be forfeited, nevertheless all Boats or Vessels under Fifteen Tons Burthen, wholly owned and



navigated

navigated by *British* Subjects, although not registered as *British* Ships, shall be admitted to be *British* Vessels in all Navigation in the Rivers and upon the Coasts of the United Kingdom or of the *British* Possessions abroad, and not proceeding over Sea, except within the Limits of the respective Colonial Governments within which the managing Owners of such Vessels respectively reside; and that all Boats or Vessels wholly owned and navigated by *British* Subjects, not exceeding the Burthen of Thirty Tons, and not having a whole or fixed Deck, and being employed solely in fishing on the Banks and Shores of *Newfoundland* and of the Parts adjacent, or on the Banks and Shores of the Provinces of *Canada*, *Nova Scotia*, or *New Brunswick* adjacent to the *Gulf of Saint Lawrence*, or on the North of *Cape Canso*, or of the Islands within the same, or in trading Coastwise within the said Limits, shall be admitted to be *British* Boats or Vessels, although not registered, so long as such Boats or Vessels shall be solely so employed.

sels under Thirty Tons Burthen for the Newfoundland Fishery.

XXI. And be it enacted, That this Act shall come into operation on the First Day of *January* One thousand eight hundred and fifty.

Act to take effect on 1st Jan. 1850.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

LONDON:
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Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

**********

## CAP. XXX.

### An Act for the better Preservation of Sheep, and more speedy Detection of Receivers of stolen Sheep, in *Ireland*. [26th *June* 1849.]

WHEREAS it is expedient to make Provision for the more speedy Detection of the Receivers of stolen Sheep in *Ireland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act, if any credible Witness shall prove on Oath before a Justice of the Peace for any County in *Ireland* that there is reasonable Cause to suspect that the Carcass of any Sheep or Lamb stolen from any Person, or any Mutton, Fat, Skin, or Fleece of such Sheep or Lamb, is concealed in any Dwelling House, Outhouse, Garden, Yard, or other Place or Places, and if the Carcass of any Sheep or Lamb, or any Mutton, Mutton Fat, Skin, or Fleece, so suspected to have been stolen, shall, by virtue of any Search Warrant issued by such Justice, be found in the Possession of any Person with his Knowledge in or at such Dwelling House, Outhouse, Garden, Yard, or other Place or Places specified in such Warrant, or on any Premises

Power to Constables to search suspected Houses for Sheep, &c. supposed to have been stolen, and apprehend Parties, &c.

 specified

specified in such Warrant, of any Person, with his Knowledge, it shall be lawful for any Justice or Justices before whom such Person shall be brought (unless such Person shall satisfy said Justice or Justices that he came lawfully by the same) to commit such Person to the Common Gaol or House of Correction, in order that he may be brought forward for Trial at the next Court of Petty Sessions, unless he enter into such Bail, with One or more solvent or sufficient Securities, as may be required for his Appearance before such Court; and if such Person so apprehended, after Proof upon Oath of such finding of such Carcass, Mutton, Mutton Fat, Skin, or Fleece as aforesaid, shall not satisfy the Justices sitting at Petty Sessions that he came lawfully thereby, he shall be held guilty of a Misdemeanor, and shall forfeit and pay any Sum, not exceeding Five Pounds, which to such Justices shall seem fit, together with the Charges previous to and attending his Conviction, which such Justices are hereby authorized to award; and upon Nonpayment thereof, either immediately after the Conviction or within such Period as such Justices at the Time of such Conviction shall appoint, (which they are hereby empowered to appoint,) such Justices shall commit such Offender to the Common Gaol or House of Correction of the County in which such Offence shall have been committed, by Warrant under their Hands and Seals, there to remain, without Bail or Mainprize, with or without hard Labour, as the said Justices may see fit, for any Time not exceeding Three Calendar Months, unless the Penalty and such Charges, if so awarded, shall be sooner paid; such pecuniary Penalty to be divided, by the Justices before whom such Conviction has been made, into equal Portions, one Portion to be given to the nearest Dispensary, and the other to be paid and applied according to the Provisions of an Act passed in the Session held in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual levying of Fines, Penalties, Issues, Deodands, and Amerciaments, and of forfeited Recognizances estreated, in* Ireland, *and for the Application and Distribution thereof*, or of any Act or Acts amending the said Act.

Penalty on Persons apprehended if Carcasses, &c. not proved to have been lawfully come by.

On Nonpayment of Penalty, Committal for Time therein specified.

Application of Penalty.

1 & 2 Vict. c. 99.

If Case appears fit for Indictment for Felony, Justice to abstain from adjudicating in a summary Way.

II. Provided always, and be it enacted, That if the Justices before whom such Person shall be so brought or shall so appear shall find the Evidence given against such Person before such Justices to be such that in the Opinion of such Justices the Case is one in which there ought to be a Prosecution by Indictment for Felony, it shall be lawful for such Justices to abstain from adjudicating in a summary Manner thereon, and to deal with the Case as one to be prosecuted at the Assizes or Quarter Sessions.

III. And be it enacted, That in case any Person convicted under this Act shall have paid the Sum adjudged to be paid, together with Costs, if awarded under such Conviction, or shall have received a Remission thereof from the Crown, or shall have suffered the Imprisonment awarded for Nonpayment thereof, in every such Case he shall be released from all further or other Proceedings for the same Cause.

Parties punished under this Act not to be proceeded against a Second Time for the same Offence.

IV. Provided always, and be it enacted, That the Prosecution for every Offence punishable on summary Conviction by virtue of this Act shall be commenced within Two Months after the Commitment of the Offence, and not otherwise.

Limitation of Prosecution.

V. And be it enacted, That in the Construction of this Act every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "County" shall extend to and include County of a City, County of a Town or City, or Town and County.

Interpretation of Terms.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

LONDON:
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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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Accounts and Statements should be signed by not less than Three of the Trustees; and it is expedient that such annual Accounts and Statements, and also similar annual Accounts and Statements of Bridge Trusts, should be transmitted to One of Her Majesty's Principal Secretaries of State for the Purpose of being revised and afterwards laid before both Houses of Parliament: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the several and respective Clerks to such Trustees, by whom or by whose Committees such Abstracts of Accounts and Statements of Revenues and Debts of the respective Turnpike Trusts under the Charge of such Trustees are directed to be made and signed as aforesaid, and also the several and respective Clerks to the Trustees acting under any Act or Acts of Parliament for building or maintaining any Bridge in *Scotland*, shall, on or before the First Day of *October* One thousand eight hundred and forty-nine, transmit to One of Her Majesty's Principal Secretaries of State Abstracts and Statements made up and signed as in the said recited Act prescribed, and according to the Form contained in the Schedule (A.) annexed to this Act, or as nearly in the said Form as Circumstances will permit, for the Period of a Year preceding the Term of *Whitsunday* One thousand eight hundred and forty-nine, and shall in like Manner upon the First Day of *October* in all future Years transmit to One of Her Majesty's Principal Secretaries of State the like Abstracts and Statements made up and signed in the Manner directed by the said recited Act, and in the Form of the said Schedule (A.), or as nearly in the said Form as Circumstances will permit, for the Year ending at the preceding Term of *Whitsunday*; and if any Clerk to such Trustees shall refuse or neglect to transmit such annual Abstracts and Statements within the Time herein-before prescribed, then and in every such Case every Clerk so offending shall for every such Offence forfeit and pay any Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of the Sheriff of the County within which the larger Proportion of the Turnpike Roads comprehended within such Turnpike Trust are situated or within which such Clerk resides.

Clerks of Road Trusts, &c to transmit to Secretary of State Abstracts of Accounts and Statements of Revenues and Debts.

II. And be it enacted, That the Secretary of State to whom such annual Abstracts and Statements shall be transmitted shall cause the same to be revised, abstracted, and arranged, and laid before both Houses of Parliament, together with any Observations which he may think proper to make respecting the State, Condition, and Repair of the Roads and Bridges or any of them, or respecting the Debts, Revenues,

Secretary of State to cause Abstracts to be laid before Parliament.

Revenues, Expenditure, and Management of any such Turnpike and Bridge Trusts.

III. And be it enacted, That when and as often as the Trustees of any Turnpike Road or Bridge shall have entered into a Resolution to apply to Parliament for any new Turnpike Road or Bridge Act, or for the Continuation of the Term and Powers of the Act under which any Turnpike Road or Bridge is regulated, or for the Alteration or Enlargement of the Powers and Provisions of such Act, or any of them, or for an Alteration of the Tolls or Pontages to be levied on such Turnpike Road or Bridge, the Clerk of such Trustees shall immediately thereupon transmit a Copy of such Resolution to One of Her Majesty's Principal Secretaries of State, together with a Copy of any special Clauses proposed to be inserted in the intended Act, and also a Statement of the Alteration of Tolls or Pontages intended to be made.

**If Road Acts proposed to be amended Clerk to transmit Resolution and Particulars to Secretary of State.**

IV. And be it enacted, That the Penalties hereby imposed shall be recovered and applied in such and the like Manner as the Penalties imposed by the said recited Act are directed to be recovered and applied.

**Penalties how to be recovered and applied.**

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

**Act may be amended, &c.**

SCHE-

## SCHEDULE (A.)

GENERAL STATEMENT of the INCOME and EXPENDITURE of the TURNPIKE [*or* BRIDGE] TRUST in the County of between the Term of Whitsunday and the Term of Whitsunday

| INCOME. | £ s. d. | EXPENDITURE. | £ s. d |
|---|---|---|---|
| Balance in Treasurer's Hands brought forward - - - | | Balance due to the Treasurer brought forward - - - | |
| Revenue received from Tolls - | | Manual Labour - - - | |
| Revenue from Fines - - - | | Carriage of Materials - - | |
| from incidental Receipt | | Materials for Surface Repairs - | |
| | | Land purchased - - - | |
| Amount of Money borrowed on the Security of the Tolls - - | | Damage done in obtaining Materials - - - | |
| | | Tradesmen's Bills - - - | |
| | | Salaries: Treasurer - - | |
| | | Clerk - - - | |
| | | Surveyor - - | |
| | | Law Charges - - - | |
| | | Interest on Debt - - | |
| | | Annuities - - - | |
| | | Improvements - - - | |
| | | Watering Roads - - - | |
| | | Debts paid off - - - | |
| | | Incidental Expenses - - - | |
| Balance due to the Treasurer - | | Balance in the Treasurer's Hands - | |

| DEBTS. | £ s. d. | Rate of Interest per Cent. £ s. d. | ARREARS OF INCOME. | £ s. d. | Insert the Name and Place of Abode of the Treasurer, Clerk, General and Superintending Surveyor, below |
|---|---|---|---|---|---|
| Bonded Debt - - | | | Arrears of Tolls for current Year - - | | |
| Floating ditto - - | | | Arrears of any other Receipt ditto - - | | |
| Unpaid Interest - | | | Arrears of former Years | | |
| Balance due to the Treasurer - - | | | | | |
| Total Debts - | | | Total Arrears - | | |

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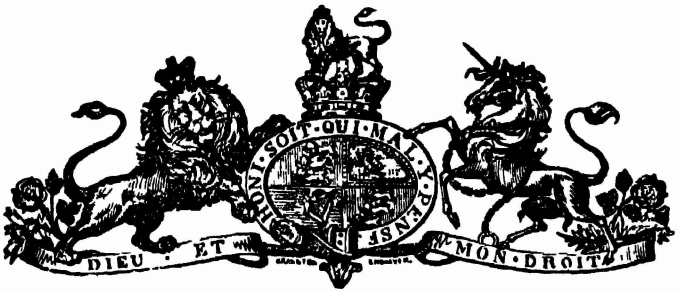


ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

***

Provision of recited Act enabling Grand Juries to present increased Poundage where Difficulties occur in the Collection of public Monies, further continued.

Constable or Collector for his Trouble in collecting the same: And whereas it is expedient that the said Provision should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provision of the said recited Act shall be continued and be in force to the End of the Year One thousand eight hundred and fifty-one.

11 & 12 Vict. c. 32

II. And whereas by another Act passed in the last Session of Parliament, intituled *An Act to facilitate the Collection of County Cess in* Ireland, it is amongst other things provided, that in case it should appear to the Grand Jury of any County assembled at the Summer Assizes of that present Year, or to the Magistrates assembled at a Special Sessions of the Peace, as therein-after directed, that a Collector could not be procured to collect Grand Jury Cess for an entire Barony, then it might be lawful for such Grand Jury, or for the Magistrates at such Special Sessions, to appoint duly qualified Persons for such convenient Districts as to them might seem fit, provided that such Districts together comprise the whole Barony; and further Provision is thereby made relating to the Collectors of such Cess, and the Payment of the same: And whereas all the said Provisions being temporary it is expedient to continue the same for a limited Time: Be it therefore enacted, That the last-recited Act shall be extended and continued to the End of the Year One thousand eight hundred and fifty-one, and that the Provisions of the said Act, and the respective Powers and Authorities by the said Act given to Grand Juries at the Assizes, and to Magistrates at any Sessions, shall be respectively applied and extended to Grand Juries at any Assizes and to Magistrates at any Sessions respectively, as the Case may be, within the Period for which the said Act is hereby extended and continued.

Provisions of recited Act continued to the End of the Year 1851.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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*riage of Passengers by Sea to* North America, shall from and after the First Day of *October* One thousand eight hundred and forty-nine be severally repealed, and that from that Date this Act shall take effect and have the Force of Law: Provided nevertheless, that all Acts and Provisions repealed by the said recited Acts or any of them shall remain repealed; and provided also, that any Fine, Forfeiture, or Penalty to which any Person may have become liable under the said recited Acts or any of them shall and may be sued for and recovered, and that any Right of Action which may have accrued to any Person by virtue of the said recited Acts or any of them, and that any Bond which may have been given thereunder to Her Majesty, shall and may be enforced hereafter in such and the same Manner in all respects as if this present Act had not been passed; provided also, that nothing in this Act contained shall be held to invalidate any Order in Council which may have been made by Her Majesty, with the Advice of Her Privy Council, in pursuance of the Powers given by the said last-recited Act, but the same shall remain in force until altered or revoked by any Order in Council made under the Provisions of this Act.

Commencement of Act.

Saving of existing Liabilities;

and Orders in Council.

Short Title of Act.

II. And be it enacted, That in other Acts of Parliament, and in all legal or other Proceedings, it shall be sufficient to cite this Act by the Title of the "Passengers Act, 1849."

Definition of Terms used in the Act:

"United Kingdom;"

"North America;"

"West Indies;"

"Governor;"

"Ship;"

"Passenger Ship;"

"Passage" and "Passenger,"

III. And be it enacted, That, for the Purposes of this Act, the following Terms, whenever they occur, shall respectively have the following Significations; (that is to say,) the Term "United Kingdom" shall signify *Great Britain* and *Ireland*, and the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, *Scilly*, and *Man*; the Term "*North America*" shall signify and include the *Bermudas*, and all Ports and Places on the Eastern Coast of the Continent of *North America*, or in the Islands adjacent or near thereto, or in the *Gulf of Mexico*; the Term "*West Indies*" shall signify the *West India* Islands, the *Bahamas*, *British Guiana*, and *Honduras*; the Term "Governor" shall signify the Person who for the Time being shall be lawfully administering the Government of any *British* Colony in which he may be acting; the Term "Ship" shall signify any Description of Sea-going Vessel, whether *British* or Foreign; the Term "Passenger Ship" shall signify every Description of such Ship carrying upon any Voyage to which the Provisions of this Act shall extend a greater Number of Passengers than in the Proportion of One Passenger to every Twenty-five Tons of the registered Tonnage of such Ship; the Terms "Passage" and "Passenger" shall include all Passages and Passengers, except the Class of Passages and Passengers commonly described

*Passengers.*

described as Cabin Passages and Cabin Passengers; and the Term "Master" shall signify the Person who for the Time being shall be in Charge or Command of any such Ship or "Passenger Ship;" and that, unless there be something in the Subject Matter or Context repugnant thereto, every Word importing the Singular Number or the Masculine Gender only shall include several Persons, Matters, or Things, as well as one Person, Matter, or Thing, and Females as well as Males respectively; and that every Word importing the Plural Number shall include one Person or Thing as well as several Persons or Things.

"Master;" Number and Gender.

IV. And be it enacted, That this Act shall extend to every "Passenger Ship" proceeding on any Voyage from the United Kingdom to any Place out of *Europe*, and not being within the *Mediterranean Sea*, and on every Colonial Voyage as herein-after described, but shall not extend to any of Her Majesty's Ships of War, nor to any Ships in the Service of the Commissioners for executing the Office of Lord High Admiral of the United Kingdom, nor to any Ship of War or Transport in the Service of the *East India* Company, nor to any Steam Vessel carrying the Royal Mails or carrying Mails under Contract with the Government of the Country to which such Steam Vessel may belong.

To what Vessels and Voyages this Act shall extend.

V. And whereas by a Warrant under Her Majesty's Sign Manual, bearing Date on the Twenty-seventh Day of *November* One thousand eight hundred and forty-seven, Her Majesty was pleased to appoint certain Persons therein named to be, during Her Majesty's Pleasure, Commissioners in the United Kingdom for the Sale of the Waste Lands of the Crown in Her Majesty's Colonies, and for superintending the Emigration of the poorer Classes of Her Majesty's Subjects to such Colonies: And whereas it is expedient that such Commissioners should be empowered to carry this Act into execution: Be it therefore enacted, That the said Commissioners, and their Successors for the Time being, shall and they are hereby empowered to carry this Act into execution; and that for all legal Purposes it shall be sufficient to describe such Commissioners by the Style of the "Colonial Land and Emigration Commissioners."

Commissioners of Emigration to carry this Act into execution.

VI. And be it enacted, That in the United Kingdom the said Commissioners acting under the Sanction of One of Her Majesty's Principal Secretaries of State, and in Her Majesty's Possessions abroad the respective Governors thereof, may from Time to Time appoint, and that the said Commissioners and Governors may at pleasure from Time to Time remove, such Emigration Officers and Assistant Emigration Officers as they may respectively think necessary, for the Purpose

Emigration Officers and Assistants to act under the Commissioners, &c.

Existing Appointments to continue in force until duly revoked.

Purpose of carrying this Act into execution, under the Directions of the said Commissioners or Governors, as the Case may be: Provided nevertheless, that all existing Appointments of Emigration Officers and of their Assistants, as well in the United Kingdom as in Her Majesty's Possessions abroad, shall continue in force under this Act until duly revoked.

Duties of Emigration Officer may be performed by his Assistant, or Officer of Customs in certain Cases.

VII. And be it enacted, That all Powers, Functions, and Duties to be exercised or performed by any such Emigration Officer shall in his Absence be exercised and performed respectively by his Assistant, or, at any Port where there shall be no such Emigration Officer or Assistant, by the Chief Officer of Customs for the Time being at such Port.

Facilities to be given to the proper Officers for the Inspection of all Ships fitting for Passengers.

VIII. And be it enacted, That the Master of every Ship, whether a "Passenger Ship" or otherwise, fitting or intended for the Carriage of Passengers, or which shall carry Passengers upon any Voyage to which this Act extends, shall afford to such Emigration Officer as aforesaid at any Port or Place in Her Majesty's Dominions, and, in the Case of *British* Ships, to Her Majesty's Consul at any Foreign Port or Place at which such Ship shall be or arrive, every Facility for inspecting such Ship, and for communicating with the Passengers, and for ascertaining that the Provisions of this Act, so far as the same may be applicable to such Ships, have been duly complied with.

No "Passenger Ship" to be cleared out without a Certificate from the Emigration Officer first obtained.

IX. And be it enacted, That no "Passenger Ship" shall be allowed to clear out or proceed on any Voyage to which this Act extends until the Master thereof shall have obtained from the Emigration Officer at the Port of Clearance a Certificate under his Hand that all the Requirements of this Act, so far as the same can be complied with before the Departure of such "Passenger Ship," have been duly complied with.

Number of Passengers to be limited both by Tonnage and Space.

X. And be it enacted, That no Ship shall be allowed to clear out or shall proceed on her Voyage with a greater Number of Persons on board (including the Master and Crew, and Cabin Passengers, if any,) than in the Proportion of One Person to every Two Tons of the registered Tonnage of such Ship, nor, whatever may be the registered Tonnage of such Ship, with a greater Number of Passengers on board, exclusive of *bonâ fide* Cabin Passengers, than in the following Proportions to the Space occupied by such Passengers and appropriated for their Use, and unoccupied by Stores, not being their personal Luggage; (that is to say,) on the Main Deck, and on the Deck immediately below the same, or in any Compartment of either, appropriated

appropriated as aforesaid, One Passenger for every Twelve such clear Superficial Feet; or if such Ship is destined to pass within the Tropics, and the Duration of the intended Voyage, computed as herein-after mentioned, exceeds Twelve Weeks, One Passenger for every Fifteen such clear Superficial Feet: Provided always, that no Passenger shall in any Case be carried on an Orlop Deck; and if there shall be on board of any Ship at or after the Time of Clearance a greater Number either of Persons or of Passengers than in the Proportions respectively herein-before mentioned, the Master of such Ship shall be liable, on such Conviction as herein-after is mentioned, to the Payment of a Penalty not exceeding Five Pounds nor less than Two Pounds Sterling for each Person or Passenger constituting any such Excess.

Penalty for Excess of Persons on board.

XI. And be it enacted, That for the Purposes of this Act Two Children, each being under the Age of Fourteen Years, shall be computed either as One Person or as One Passenger, as the Case may require, except in the Case herein-after mentionde, but that Children under the Age of One Year shall not be included in such Computation.

Computation of Children.

XII. And be it enacted, That the Master of every Ship, whether a "Passenger Ship" or otherwise, carrying Passengers on any Voyage to which this Act extends, shall, before demanding a Clearance for such Ship, sign Two Lists, made out according to the Form contained in Schedule (A.) hereto annexed, setting forth in the Manner therein directed the Name and other Particulars of the Ship, and of every Passenger on board thereof; and the said Lists, when signed, shall be delivered to the Officer of the Customs from whom a Clearance of the said Ship shall be demanded, and such Officer shall thereupon countersign and return to the said Master One of such Lists, herein-after called "The Master's List;" and the said Master shall exhibit such last-mentioned List, with any Additions which may from Time to Time be made thereto, as herein-after directed, to the Chief Officer of Her Majesty's Customs at any Port or Place in Her Majesty's Possessions, or to Her Majesty's Consul at any Foreign Port at which the said Passengers or any of them shall be landed, and shall deposit the same with such Chief Officer of Customs, or such Consul, as the Case may be, at the final Port or Place of Discharge.

Two Lists of Passengers to be made out in the Form in Schedule (A.), and delivered in every Case before Clearance.

XIII. And be it enacted, That if at any Time after such Lists shall have been signed and delivered as aforesaid there shall be taken on board any additional Passenger, in every such Case the Master shall, according to the Form aforesaid, add to "The Master's List" the

Lists of additional Passengers taken on board after Clearance

to be made out, and signed by Master.

Names and other Particulars of every such additional Passenger, and shall also sign a separate List, made out according to the Form aforesaid, containing the Names and other Particulars of every such additional Passenger; and such last-mentioned List, when signed, shall, together with "The Master's List" to which such Addition shall have been made, be delivered to the Chief Officer of Customs as aforesaid, and thereupon such Officer shall countersign "The Master's List," and shall return the same to the said Master, and shall retain the separate List; and so on in like Manner whenever any additional Passenger or Passengers may be taken on board; or if no Officer of Customs shall be stationed at the Port or Place where such additional Passenger or Passengers may be taken on board, the said Lists shall be delivered to the Officer of Customs at the next Port or Place at which such Vessel shall touch or arrive and where any such Officer shall be stationed, to be dealt with as herein-before mentioned.

All Passenger Ships to be surveyed.

XIV. And be it enacted, That no "Passenger Ship" shall be allowed to clear out or proceed on her Voyage unless she shall have been surveyed, under the Direction of the Emigration Officer at the Port of Clearance, but at the Expense of the Owner or Charterer thereof, by One or more competent Surveyors, to be duly authorized and approved of by the said Colonial Land and Emigration Commissioners for each Port at which there may be an Emigration Officer, and for other Ports by the Commissioners of Customs, nor unless it shall be reported by the same, or by some other Surveyor to be appointed as aforesaid, that such "Passenger Ship" is in their Opinion seaworthy, and fit in all respects for her intended Voyage: Provided always, that the Precautions for ascertaining the Seaworthiness of Ships and their Fitness for their intended Voyages respectively shall be the same for Foreign as for British Ships.

Construction of Decks and Berths in "Passenger Ships."

XV. And be it enacted, That in every "Passenger Ship" every Deck on which Passengers may be carried shall be at least One Inch and a Half in Thickness, and shall be supported by Beams of adequate Strength, forming Part of the permanent Structure of the Ship, and firmly secured with hanging and lodging Knees, and shall be properly laid upon such Beams, or substantially secured thereto, at least Three Inches clear above the Bottom thereof, to the Satisfaction of the Emigration Officer at the Port of Clearance, and that between every such Deck and the Deck immediately above it there shall be a Height of at least Six Feet; and further that there shall not be more than Two Tiers of Berths on any One Deck in any such "Passenger Ship," and that the Interval between the Floor of the Berths and the Deck or Platform immediately beneath them shall not be less than Six

Height between Decks.

Arrangement of Berths.

Six Inches, and that the Berths shall be securely constructed, and of Dimensions not less than after the Rate of Six Feet in Length and Eighteen Inches in Width for each Passenger; and that Persons of different Sexes above the Age of Fourteen, unless Husband and Wife, shall not be placed in the same Berth; and that no Berths occupied by Passengers during the Voyage shall be taken down until Forty-eight Hours after the Arrival of such Ship at the Port of final Discharge, unless all the Passengers shall have voluntarily quitted the Ship before the Expiration of that Time.

Berths not to be removed till Passengers landed.

XVI. And be it enacted, That, for the Purpose of ensuring a proper Supply of Light and Air in every "Passenger Ship," the Passengers shall at all Times during the Voyage (Weather permitting) have free Access to and from the Between Decks by the whole of each Hatchway situate over the Space appropriated to the Use of such Passengers: Provided always, that if the Main Hatchway be not one of the Hatchways appropriated to the Use of the Passengers, or if the natural Supply of Light and Air through the same be in any Manner unduly impeded, it shall be lawful for the Emigration Officer at the Port of Clearance to direct such other Provision to be made for affording Light and Air to the Between Decks as the Circumstances of the Case may, in the Judgment of such Officer, appear to require; and in case of Noncompliance with any such Directions the Owner, Charterer, or Master of such Ship shall be liable, on such Conviction as herein-after is mentioned, to the Payment of a Penalty not exceeding Fifty Pounds nor less than Twenty Pounds Sterling: Provided also, that no "Passenger Ship" having on board as many as One hundred Passengers shall clear out or proceed on her Voyage without having on board an adequate and proper ventilating Apparatus, to be approved by the Emigration Officer at the Port of Clearance, and fitted to his Satisfaction.

Light and Ventilation.

Penalty on Owner for Non-compliance with Directions of Emigration Officer as to Light, &c.

XVII. And be it enacted, That every "Passenger Ship" shall carry a Number of Boats according to the following Scale; (that is to say,)

Two Boats for every Ship of One hundred Tons and upwards:

Three Boats for every Ship of Two hundred Tons and upwards, in case the Number of Passengers shall exceed Fifty:

Four Boats for every Ship of Five hundred Tons and upwards, in case the Number of Passengers shall exceed Two hundred:

Passenger Ships shall carry Boats.

Provided always, that One of such Boats shall in all Cases be a Long Boat, and One shall be a properly fitted Life Boat, and that each of such Boats shall be of a suitable Size, to be approved by the Emigration Officer at the Port of Clearance, and shall be seaworthy, and properly supplied with all Requisites for Use; provided also, that there

Life Boat.

Life Buoys.

there shall likewise be on board Two properly fitted Life Buoys, kept ready at all Times for immediate Use.

No "Passenger Ship" to be cleared out until properly manned.

XVIII. And be it enacted, That no "Passenger Ship" shall be cleared out or proceed to Sea until it shall be proved to the Satisfaction of the Officer from whom a Clearance of such Ship may be demanded that she is manned with a proper Complement of Seamen for the intended Voyage.

Certain Articles prohibited as Cargo.

XIX. And be it enacted, That no "Passenger Ship" shall clear out or proceed on her Voyage if there shall be on board as Cargo any Gunpowder, Vitriol, Guano, green Hides, or any other Article likely to endanger the Safety of the Ship or the Health or Lives of the Passengers, or if any Part of the Cargo shall be on Deck.

Computation of Voyages.

XX. And be it enacted, That for the Purposes of this Act the following shall be the Number of Weeks deemed to be necessary for the Voyage of any Ship carrying Passengers from the United Kingdom to the under-mentioned Places respectively; (that is to say,)

To *North America*, except the West Coast thereof, Ten Weeks:

To the *West Indies*, Ten Weeks:

To any Part of the East Coast of the Continent of *Central* or *South America* Northward of the Twenty-fifth Degree of South Latitude, except *British Guiana*, Twelve Weeks:

To the West Coast of *Africa*, Twelve Weeks:

To the *Cape of Good Hope* or the *Falkland Islands*, or to any Part of the East Coast of *South America* Southward of the Twenty-fifth Degree of South Latitude, Fifteen Weeks:

To the *Mauritius* and to the Western Coast of *America* South of the Equator, Eighteen Weeks:

To *Ceylon*, Twenty Weeks:

To *Western Australia*, Twenty Weeks:

To any other of the *Australian* Colonies, Twenty-two Weeks:

To *New Zealand* and to the Western Coast of *America* North of the Equator, Twenty-four Weeks:

Provided nevertheless, that for the like Purposes it shall be lawful for the said Colonial Land and Emigration Commissioners, acting by and under the Authority of One of Her Majesty's Principal Secretaries of State, from Time to Time, by any Notice in Writing issued under the Hands of any Two of such Commissioners, and published in the *London Gazette*, to declare what shall be deemed to be the Length of Voyage from the United Kingdom to any of the said herein-before mentioned Places, or to any other Port or Place whatsoever, anything herein contained to the contrary notwithstanding.

XXI. And

*Passengers.*

XXI. And be it enacted, That no "Passenger Ship" shall be allowed to clear out or to proceed on her Voyage until there shall be supplied, by and at the Expense of the Owner or Charterer thereof, and properly stowed away on board under Hatches for the Use of the Passengers during the Voyage, pure Water, and wholesome Provisions in a sweet and good Condition, of a Quality to be approved by the Emigration Officer, and in Quantities sufficient to afford the Allowances to each Passenger as hereafter prescribed; and if any Person shall fraudulently obtain a Clearance for any "Passenger Ship" which shall not be then stored with the requisite Quantities of such Water and Provisions as aforesaid, he shall be liable, on such Conviction as herein-after is mentioned, to the Payment of a Penalty not exceeding One hundred Pounds nor less than Fifty Pounds Sterling.

Provisions and Water to be provided by Owners or Charterers, and approved by Emigration Officers.

Penalty on obtaining fraudulent Clearance.

XXII. And be it enacted, That in every "Passenger Ship" the Water to be laden on board, as herein-before required, shall be carried in Tanks or Casks to be approved by the Emigration Officer at the Port of Clearance: Provided always, that all such Casks shall be sweet and tight, of sufficient Strength, and properly charred inside, and shall not be made of Fir or soft Wood Staves, nor be capable severally of containing more than Three hundred Gallons each.

Water Tanks or Casks.

XXIII. And be it enacted, That before any "Passenger Ship" shall be cleared out the Emigration Officer at the Port of Clearance shall survey or cause to be surveyed by some competent Person the Provisions and Water herein-before required to be placed on board for the Consumption of the Passengers, and shall ascertain that the same are of good Quality and in a sweet and good Condition, and shall also ascertain, that over and above the same there is on board an ample Supply of Water and Stores for the victualling of the Crew of the Ship and all other Persons, if any, on board: Provided nevertheless, that if any "Passenger Ship" shall be destined to call at any intermediate Port or Place during the Voyage for the Purpose of taking in Water, and if an Engagement to that Effect shall be inserted in the Bond herein-after mentioned, then it shall be sufficient to place on board at the Port of Clearance such Supply of Water as may be requisite, according to the Rate herein-after mentioned, for the Voyage of the said Ship to such intermediate Port or Place, subject to the following Conditions; (that is to say,)

Provisions and Water to be surveyed before clearing out.

Proviso for touching at intermediate Ports to fill up Water.

First, That the Emigration Officer signify his Approval in Writing of the Arrangement, to be carried amongst the Papers of the Ship, and exhibited to the Chief Officer of Customs, or to Her Majesty's Consul, as the Case may be, at such intermediate Port or Place, and to be delivered to the Chief Officer of Customs,

 or

or to Her Majesty's Consul, as the Case may be, on the Arrival of the said Ship at the final Port or Place of Discharge:

Secondly, That if the Length of either Portion of the Voyage, whether to such intermediate Port or Place or from such intermediate Port or Place to the final Port or Place of Discharge, be not prescribed in or under the Provisions of this Act, the Emigration Officer at the Port of Clearance shall in every such Case declare the same:

Thirdly, That the Ship shall have on board at the Time a Clearance is demanded Tanks or Water Casks, of the Description herein-before mentioned, sufficient for stowing the Quantity of Water required for the longest of such Portions of the Voyage as aforesaid.

Dietary Scale for the Voyage.

XXIV. And be it enacted, That, in addition to and irrespective of any Provisions of their own which any Passengers may have on board, the Master of every "Passenger Ship" shall make to each Passenger during the Voyage, including the Time of Detention, if any, at any Port or Place before the Termination of such Voyage, the following Issues of pure Water and sweet and wholesome Provisions; (that is to say,) of Water at least Three Quarts daily, and of Provisions after the Rate *per* Week of Two and a Half Pounds of Bread or Biscuit, not inferior in Quality to what is usually called Navy Biscuit, One Pound of Wheaten Flour, Five Pounds of Oatmeal, Two Pounds of Rice, Two Ounces of Tea, Half a Pound of Sugar, and Half a Pound of Molasses: Provided always, that such Issues of Provisions shall be made in advance, and not less often than twice a Week, the first of such Issues to be made on the Day of Embarkation: Provided also, that Potatoes, when good and sound, may be substituted for either the Oatmeal or Rice, in the Proportion of Five Pounds of Potatoes to One Pound of Oatmeal or Rice; and that in Ships clearing out from the Port of *Liverpool*, or from *Irish* or *Scotch* Ports, Oatmeal may be substituted in equal Quantities for the whole or any Part of the Issues of Rice.

Colonial Land and Emigration Commissioners empowered to substitute other Articles of Food for those before mentioned.

XXV. And be it enacted, That it shall be lawful for the said Colonial Land and Emigration Commissioners for the Time being, acting under the Authority of One of Her Majesty's Principal Secretaries of State, from Time to Time, by any Notice for that Purpose, issued under the Hands of any Two of such Commissioners, and published in the "*London Gazette*," to substitute for any of the Articles of Food herein-before mentioned any other Articles of Food, as to the said Commissioners shall seem meet, and any such Notice from Time to Time to alter, amend, or revoke, as Occasion may require: Provided

Provided always, that all the Requirements and Provisions in this Act contained respecting the Articles of Food herein-before mentioned shall extend and are hereby extended to the Case of such substituted Articles.

Cook and cooking Apparatus to be approved by Emigration Officer.

XXVI. And be it enacted, That no "Passenger Ship" carrying as many as One hundred Passengers shall clear out or proceed on her Voyage unless there shall be on board a seafaring Person who shall be rated in the Ship's Articles as Passengers Cook, to be approved by the Emigration Officer at the Port of Clearance, and engaged for the Purpose of cooking the Food of the Passengers, nor unless a convenient Place for that Purpose shall have been set apart on Deck, and a sufficient cooking Apparatus, properly covered in and arranged, shall have been provided to the Satisfaction of the said Emigration Officer, together with a proper Supply of Fuel adequate in his Opinion for the intended Voyage.

No Ship carrying a certain Number of Passengers to proceed on her Voyage without a Medical Practitioner on board.

XXVII. And be it enacted, That it shall not be lawful for any "Passenger Ship" having on board as many as Fifty Persons, if the Length of the intended Voyage, computed as herein-before mentioned, shall exceed Twelve Weeks, nor, whatever may be the computed Duration of the Voyage, for any "Passenger Ship" having on board as many as One hundred Persons, except she be bound to *North America*, (including in both Cases the Master and Crew, and Cabin Passengers, if any,) to clear out or proceed on her Voyage, unless there shall be on board, and rated on the Ship's Articles, some Person duly authorized by Law to practise in the United Kingdom as Physician, Surgeon, or Apothecary, and whose Name shall have been notified to the Emigration Officer at the Port of Clearance, and not objected to by him; and further, that no "Passenger Ship" bound to *North America* having on board as many as One hundred Persons, exclusive of the Master and Crew, and Cabin Passengers, if any, shall clear out or proceed on her Voyage without having on board, and rated on the Ship's Articles, such duly authorized Medical Practitioner, whose Name shall have been notified to the Emigration Officer at the Port of Clearance, and not objected to by him: Provided nevertheless, that if in any Ship bound to *North America* there be appropriated on every Deck on which Passengers may lawfully be carried, instead of Twelve clear Superficial Feet as herein-before required, Fourteen clear Superficial Feet unoccupied by Stores not being the personal Luggage of the Passengers, for each Passenger on board, counting for this Purpose each Child above the Age of One Year as One Passenger, then and in such Case, but not otherwise, it shall be lawful for such Ship to clear out and proceed to Sea without having on board a Medical Practitioner as aforesaid.

Proviso in case of Ships bound to North America.

XXVIII. And

*Passengers.*

As to Supply of Medicines.

XXVIII. And be it enacted, That in every "Passenger Ship" there shall be furnished and laden on board, at the Expense of the Owner or Charterer thereof, a Medicine Chest containing a Supply of Medicines, Instruments, and other Things proper and necessary for Diseases and Accidents incident to Sea Voyages, and for the Medical Treatment of the Passengers during the Voyage, including an adequate Supply of disinfecting Fluid or Agent, together with printed or written Directions for the Use of the same respectively; and that such Medicines and other Things shall be good in Quality, and, in the Judgment of the Emigration Officer at the Port of Clearance, sufficient in Quantity for the probable Exigencies of the intended Voyage, and shall be placed under the Charge of the Surgeon, when there is one on board, to be used at his Discretion.

Medical Inspection of Passengers and Medicines.

XXIX. And be it enacted, That, except as herein-after provided, no "Passenger Ship" shall clear out or proceed on her Voyage until some Medical Practitioner, to be appointed by the Emigration Officer at the Port of Clearance, shall have inspected the Medicine Chest of the said Ship, and also all the Passengers about to proceed in her, and shall certify to the said Emigration Officer that the said Ship contains a sufficient Supply of Medicines, disinfecting Fluid or Agent, Instruments, and other Things requisite for the Medical Treatment of the Passengers during the intended Voyage, and that none of the Passengers appear to such Medical Practitioner likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the other Persons about to proceed in such Vessel: Provided always, that such Medical Inspection of the Passengers shall take place either on board the Vessel, or, at the Discretion of the said Emigration Officer, at such convenient Place on shore before Embarkation as he may appoint; and that the Master, Owner, or Charterer of the Ship shall pay to such Emigration Officer, on account of such Medical Examination, a Sum at the Rate of Twenty Shillings for every Hundred Persons examined: Provided also, that in case on any particular Occasion the Emigration Officer shall be unable to obtain the Attendance of such Medical Practitioner, it shall be lawful for the Master of any such Ship to clear out and proceed on her Voyage, on receiving from the said Emigration Officer written Permission for the Purpose.

Proviso where no Medical Practitioner can be obtained.

Diseased Passengers may be relanded.

XXX. And be it enacted, That in case any such Medical Practitioner shall notify to the Emigration Officer at the original Port of Clearance, or at any other Port or Place in the United Kingdom into which the Vessel may subsequently put, or in case the said Emigration

tion Officer shall be otherwise satisfied, that any Person about to proceed in any such "Passenger Ship" as aforesaid is likely, by reason of being affected by any infectious or other Disease, to endanger the Health of the other Persons on board, it shall be lawful for such Officer to reland or cause to be relanded any such Person, and such Members of his Family, if any, as may be dependent on him, or as may be unwilling to be separated from him, together with their Clothes and Effects; and no "Passenger Ship" shall clear out or proceed on her Voyage so long as any such diseased Person shall be on board.

Passengers so relanded may recover Passage Money.

XXXI. And be it enacted, That any Person being a Passenger who shall be so relanded as aforesaid, or any Emigration Officer on his Behalf, shall be entitled to recover, by summary Process, in manner herein-after provided, the whole of the Monies which have been paid by such Person or on his Account for his Passage in such "Passenger Ship," from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship.

Return of Passage Money and Compensation to Passengers where Passages not provided for them according to Contract.

XXXII. And be it enacted, That if any Passenger, or Person acting on his Behalf, shall have contracted with the Owner, Charterer, or Master of any Ship, whether a "Passenger Ship" or otherwise, or with any Person acting on behalf of such Owner, Charterer, or Master, for a Passage for such Passenger, or for him and his Family, in any Ship proceeding on any Voyage to which this Act extends, and such Passenger, or such Passenger and his Family, (as the Case may be,) shall be at the Place of Embarkation at the Time appointed for that Purpose in and by such Contract, and such Passenger shall apply for such Passage, and shall, on Demand, pay or tender such Part of the Passage Money not already paid as shall be payable under such Contract previously to Embarkation, and if, owing to the previous Departure of the Ship in which such Passage shall have been engaged, or to the Want of Room therein, or to the Neglect, Refusal, or other Default of the Owner, Charterer, or Master thereof, or of the Party with whom such Passage shall have been contracted for, such Passenger shall not obtain a Passage in such Ship, or shall not, together with all the immediate Members of his Family who may have contracted for a Passage as aforesaid, obtain, within Forty-eight Hours from the Expiration of the Day named in such Contract, a Passage in some other equally eligible Ship to the same Port, and in the meantime be paid Subsistence Money, at the Rate herein-after mentioned, such Passenger shall be entitled to recover, in manner herein-after provided, all Monies which shall have been paid by or on his Account for such Passage, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship, and also such further Sum, not exceeding

Ten Pounds in respect of each such Passage, as shall, in the Opinion of the Justices of the Peace who shall adjudicate on the Complaint, be a reasonable Compensation for the Loss or Inconvenience occasioned to such Passenger or his Family by the Loss of such Passage.

Subsistence in case of Detention.

XXXIII. And be it enacted, That if any Ship, whether a "Passenger Ship" or otherwise, shall not actually put to Sea and proceed on her intended Voyage on the Day appointed for sailing in and by any Contract made by the Owner, Charterer, or Master of such Ship, or by his or their Agent, with any Passenger who shall on that Day be on board the same, or ready to go on board and proceed on such intended Voyage, then and in every such Case the Owner, Charterer, or Master of such Ship, or his or their Agent, shall pay to every such Passenger, or if such Passenger shall be lodged and maintained in any Establishment under the Superintendence of the said Colonial Land and Emigration Commissioners, then to the Emigration Officer at the Port of Embarkation, Subsistence Money after the Rate of One Shilling for each Passenger in respect of each Day of Delay, until the actual clearing out and final Departure of such Ship on such Voyage, and the same may be recovered in manner herein-after mentioned: Provided always, that if any such Ship be unavoidably detained, either by Wind or Weather, and the Passengers be maintained on board in the same Manner as if the Voyage had commenced, no such Subsistence Money shall be payable.

In case of Wreck, &c., Passengers to be provided with a Passage by some other Vessel;

XXXIV. And be it enacted, That in case any "Passenger Ship" shall be wrecked or otherwise destroyed, or shall by any other Cause whatsoever be prevented from landing her Passengers at the Place they may have respectively contracted to land, or in case such Ship shall put into any Port or Place in a damaged State, and shall not, within a reasonable Time, according to the Circumstances of each Case, but not exceeding Six Weeks in any Case, be ready to proceed with her Passengers on her intended Voyage, after having been first efficiently repaired, and in all respects put into a sound and seaworthy Condition, then and in any of such Cases such Passengers respectively shall be provided with a Passage by some other equally eligible Vessel to the Port or Place at which they respectively may have originally contracted to land; and in default thereof such Passengers respectively, or any Emigration Officer on their Behalf, shall be entitled to recover, by summary Process, as herein-after mentioned, all Monies which shall have been paid by or on account of such Passengers or any of them for such Passage, from the Party to whom the same may have been paid, or from the Owner, Charterer, or Master of such Ship, and also such further Sum, not exceeding Five Pounds

in default, Passengers may recover Compensation by summary Process.

Pounds in respect of each such Passage, as shall in the Opinion of the Justices of the Peace who shall adjudicate on the Complaint be a reasonable Compensation for any Loss or Inconvenience occasioned to any such Passenger, or his or her Family, by reason of the Loss of such Passage: Provided always, that no Policy of Assurance effected in respect of such Passages, or of such Passage and Compensation Monies, by any Person hereby made liable in the Events aforesaid to provide such Passages, or to pay such Monies, shall be deemed to be invalid by reason of the Nature of the Risk or Interest sought to be covered by such Policy of Assurance.

Wrongfully landing Passengers.

XXXV. And be it enacted, That the Master of any Ship, whether "Passenger Ship" or otherwise, shall not land or cause to be landed any Passenger, without his previous Consent, at any Port or Place other than the Port or Place at which such Passenger may have contracted to land.

Passengers to be maintained for 48 Hours after Arrival.

XXXVI. And be it enacted, That every Passenger in a "Passenger Ship" arriving at the End of his Voyage shall be entitled for at least Forty-eight Hours next after his Arrival to sleep in such Ship, and to be provided for and maintained on board thereof, in the same Manner as during the Voyage, unless in the further Prosecution of her Voyage such Ship shall quit the Port or Place within the above-mentioned Period.

Passengers Right of Action preserved.

XXXVII. And be it enacted, That nothing herein contained shall take away or abridge any Right of Suit or Action which may accrue to any Passenger in any Ship, or to any other Person, in respect of the Breach or Nonperformance of any Contract made or entered into between or on behalf of any such Passenger or other Person, and the Master, Charterer, or Owner of any such Ship, or his or their Agent, or any Passage Broker or Passage Dealer.

Ships putting back to replenish Provisions, &c.

XXXVIII. And be it enacted, That if any "Passenger Ship" shall, after having obtained her Clearance, be detained in Port for more than Seven Days, or shall, after having been to Sea, put into or touch at any Port or Place in the United Kingdom, it shall not be lawful for any such "Passenger Ship" to proceed on her Voyage until there shall have been laden on board, at the Expense of the Owner, Charterer, or Master of such Ship, such further Supply of pure Water, wholesome Provisions of the requisite Kinds and Qualities, and Medical Stores, as may be necessary to make up the full Quantities of those Articles herein-before required for the Use of the Passengers during the whole of the intended Voyage, nor until the Master of the said Ship shall have obtained from the Emigration Officer or his Assistant,

Assistant, or, where there is no such Officer, or in his Absence, from the Officer of Customs at such Port or Place, a Certificate to the same Effect as the Certificate herein-before required to enable the Ship to be cleared out; and in case of any Default herein the said Master shall be liable, on Conviction, as herein-after mentioned, to the Payment of a Penalty not exceeding One hundred Pounds nor less than Fifty Pounds Sterling; and further, if the Master of any "Passenger Ship" so putting into or touching at any Port or Place as aforesaid shall not within Twenty-four Hours thereafter report his Arrival, and the Cause of his putting back, and the Condition of his Ship and of her Stores and Provisions, to the Emigration Officer, or, as the Case may be, to the Officer of Customs at the Port, and shall not produce to such Officer the official or "Master's List" of Passengers, such Master shall for each Offence be liable to the Payment of a Penalty not exceeding Ten Pounds nor less than Two Pounds Sterling.

Penalty.

10*l.* Penalty.

Her Majesty may issue Orders in Council prescribing Rules, &c. for preserving Order, &c. on board British Vessels to the Colonies.

XXXIX. And be it enacted, That it shall be lawful for Her Majesty and Her Successors, by any Order in Council to be by Her or Them made, with the Advice of the Privy Council, to prescribe such Rules and Regulations as to Her Majesty or Her Successors may seem fit, for preserving Order, and for securing Cleanliness and Ventilation, on board of "Passenger Ships" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad, and the said Rules and Regulations from Time to Time in like Manner to alter, amend, and revoke, as Occasion may require; and that any Copy of such Order in Council contained in the "*London Gazette*," or purporting to be printed by the Queen's Printer, shall throughout Her Majesty's Dominions be received in all legal Proceedings as good and sufficient Evidence of the making and Contents of any such Order in Council.

Gazette, and Copies printed by the Queen's Printer, to be Evidence of Orders, &c.

Surgeon or Master to exact Obedience to Rules and Regulations.

Penalty for refusing to observe Rules and Regulations.

XL. And be it enacted, That in every such "Passenger Ship" it shall be lawful for the Medical Practitioner on board, aided and assisted by the Master thereof, or in the Absence of such Medical Practitioner, for the Master of such Ship, to exact Obedience to all such Rules and Regulations as aforesaid; and that any Person on board who shall neglect or refuse to obey any such Rule or Regulation, or who shall obstruct the Medical Practitioner or Master of such Ship in the Execution of any Duty imposed upon him by any such Rule or Regulation, shall be liable for each Offence to the Payment of a Penalty not exceeding Two Pounds Sterling; and it shall be lawful for any Two Justices of the Peace in any Part of Her Majesty's Dominions before whom any Person shall be convicted of such Obstruction as aforesaid to order such Person, in addition to the Penalty

Penalty herein-before mentioned, to be confined in the Common Gaol for any Period not exceeding One Month.

XLI. And be it enacted, That the said Colonial Land and Emigration Commissioners shall from Time to Time prepare such Abstracts as they may think proper of the whole or Part of this Act, and of any such Order in Council as aforesaid; and that Six Copies of the said Abstracts, together with Two Copies of this Act, shall, on Demand, be delivered by the Principal Officer of Customs at the Port of Clearance to the Master of every "Passenger Ship" proceeding from the United Kingdom to any Port or Place in Her Majesty's Possessions abroad; and that such Master shall, on Request made to him, produce One Copy of the Act to any Passenger on board, for his Perusal, and, further, shall post, previous to the Embarkation of the Passengers, and shall keep posted so long as any Passenger shall be entitled to remain in the Ship, in at least Two conspicuous Places between the Decks on which Passengers may be carried, Copies of such Abstracts; and such Master shall be liable to a Penalty not exceeding Forty Shillings Sterling for every Day during any Part of which by his Act or Default such Abstracts shall fail to be so posted; and that any Person displacing or defacing such Abstracts so posted shall be liable to a Penalty not exceeding Forty Shillings Sterling.

Colonial Land and Emigration Commissioners to prepare an Abstract of Act and Orders in Council.

Such Abstract to be posted up in each Ship.

Penalty on Master for Neglect;

and of Person defacing Abstract.

XLII. And be it enacted, That it shall not be lawful, in any "Passenger Ship," to sell to any Passenger during the Voyage any Spirits or Strong Waters; and that if any Person shall during the Voyage, directly or indirectly, sell or cause to be sold any Spirits or Strong Waters to any such Passenger, he shall be liable for every such Offence, on such Conviction as herein-after mentioned, to the Payment of a Penalty not exceeding Twenty Pounds nor less than Five Pounds Sterling.

Sale of Spirits prohibited on board Passenger Ships.

Penalty.

XLIII. And for the more effectually securing the due Observance of the several Requirements as well of this Act as of any Rules or Regulations which may at any Time be prescribed by any Order in Council as aforesaid, and also for the better securing the due Payment of all Penalties which the Master of any "Passenger Ship" may be adjudged to pay, under or by virtue of the Provisions of this Act or of any such Order in Council, be it enacted, That before any "Passenger Ship" shall clear out or proceed on any Voyage to which this Act shall extend the Owner or Charterer, or, in the event of the Absence of such Owner or Charterer, One good and sufficient Person on his Behalf, to be approved by the Chief Officer of Customs at the Port of Clearance, shall, with the Master of the said Ship, enter into a joint and several Bond in the Sum of One thousand Pounds to Her

Bond for the due Performance of the Requirements of the Act and of any Order in Council, and also for Payment of Penalties.

Majesty, Her Heirs and Successors, according to the Form contained in Schedule (B.) hereunto annexed, the Condition of which Bond shall be, that the said Ship is in all respects seaworthy, and that all and every the Requirements of this Act, and of the Colonial Land and Emigration Commissioners acting in the Manner prescribed by this Act, and of any Order in Council passed in virtue of this Act, shall in all respects be well and truly fulfilled and performed, and, moreover, that all Penalties, Fines, and Forfeitures which the Master of such Ship may be adjudged to pay for or in respect of the Breach or Nonperformance of any of such Requirements as aforesaid shall be well and truly paid; and in *Scotland* such Bond shall be deemed and taken to be a Probative Deed: Provided always, that such Bond shall be without Stamps; provided also, that no such Bond shall be put in Suit, and that no Prosecution, Suit, Action, Information, or Complaint shall be brought, under or by virtue of this Act, upon or by reason of the Breach of any of the Requirements thereof, in any of Her Majesty's Possessions abroad, after the Expiration of Twelve Calendar Months next succeeding the Termination of any such Voyage as aforesaid, nor, in the United Kingdom, after the Expiration of Twelve Calendar Months next after the Return of the said Ship or of the said Master to the United Kingdom.

Bond to be without Stamps. Limitation of Prosecutions.

No Person to act as a Passage Broker in respect of Passengers to North America without a Licence.

XLIV. And be it enacted, That it shall not be lawful for any Person to carry on the Business of a Passage Broker or Passage Dealer in respect of Passages from the United Kingdom to *North America*, or to sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship" or otherwise, proceeding from the United Kingdom to *North America*, unless such Person, and Two good and sufficient Sureties, to be approved by the Emigration Officer at the Port nearest to the Place of Business of such Person, shall have previously entered into a joint and several Bond in the Sum of Two hundred Pounds to Her Majesty, Her Heirs and Successors, according to the Form contained in Schedule (C.) hereto annexed, which Bond shall be in Duplicate without Stamps, and one Part thereof shall be deposited at the Office in *London* of the said Colonial Land and Emigration Commissioners, and the other Part thereof with the Chief Officer of Customs at the Port of Clearance, nor unless such Person shall have obtained a Licence, as herein-after mentioned, to let or sell Passages to *North America* as aforesaid, nor unless such Licence shall then be in force; and if any Person shall carry on the Business of Passage Broker or Passage Dealer, or shall sell or let, or be in anywise concerned in selling or letting, any such Passage contrary to this Enactment, every Person so offending shall for each Offence be liable to the Payment of a Penalty not exceeding Fifty Pounds nor less than Twenty

Twenty Pounds, to be sued for and recovered as herein-after mentioned.

XLV. And be it enacted, That any Person wishing to obtain a Licence to act as a Passage Broker or Passage Dealer in respect of Passages from the United Kingdom to *North America* shall make Application for the same to the Justices at the Petty Sessions held for the District or Place in which such Person shall have his Place of Business; and such Justices are hereby authorized (if they shall think fit) to grant a Licence for that Purpose, according to the Form in the Schedule (D.) hereunto annexed, which Licence shall continue and be in force until the Thirty-first Day of *December* in the Year in which such Licence shall be granted, and for Thirty-one Days afterwards, unless sooner forfeited, as herein mentioned; and upon granting such Licence the Justices so acting as aforesaid shall cause a Notice thereof according to the Form in Schedule (E.) hereto annexed to be transmitted forthwith by the Post to the said Colonial Land and Emigration Commissioners at their Office in *London*: Provided always, that no such Licence shall be granted unless the Party applying for the same shall show to the Satisfaction of the Justices that he has given such Bond to Her Majesty, Her Heirs and Successors, as herein-before required, and has deposited one Part thereof at the Office in *London* of the said Commissioners, and has given Notice to the said Commissioners Fourteen clear Days at least before such Application, of his Intention to apply for the same, which Notice shall be transmitted by the Post to the Office in *London* of the said Commissioners, and shall be according to the Form contained in the Schedule (F.) hereto annexed: Provided also, that the Justices so acting as aforesaid or any Two or more Justices who shall hear and determine in manner herein-after mentioned any Offence whatever against this Act, are hereby authorized (if they shall think fit) to order such Licence to be forfeited, and the same shall upon such Order be forfeited accordingly; and the said Justices making such Order shall forthwith cause Notice of such Forfeiture, in the Form contained in the Schedule (G.) hereunto annexed, to be transmitted by the Post to the said Colonial Land and Emigration Commissioners at their Office in *London*; and in *Scotland* where any Person wishing to obtain such Licence shall make Application for the same to the Sheriff or Steward or Sheriff Substitute or Steward Substitute in place of to such Justices of the Peace as aforesaid, the Forms given in the said Schedule shall still be adhered to with such Alterations as may be necessary.

How Passage Brokers Licences may be obtained.

Justices to give Notice to Emigration Commissioners of Licence granted.

Notice to be given to Emigration Commissioners of intended Application for Licences.

Proviso for forfeiting Licences.

Notice of Forfeiture to be given to Emigration Commissioners.

XLVI. And be it enacted, That every Licence to carry on the Business of a Passenger Broker or Passage Dealer that may have been

Licences taken out in pursuance of

first-recited Act, unless forfeited, to continue in force until 1st February 1850.

been taken out in pursuance of the Provisions of the first-mentioned Act, herein-before repealed, shall, unless adjudged to be forfeited, as herein-before mentioned, continue and be in force until the First Day of *February* One thousand eight hundred and fifty, but no longer, and that all Acts that may be done under and by virtue of any such Licence while in force shall be as valid and effectual as if done under and by virtue of any Licence granted in pursuance of the Provisions of this Act, anything herein-before contained to the contrary notwithstanding.

Contract Tickets to be given in respect of Passages to North America.

XLVII. And be it enacted, That if any Owner, Charterer, or Master of a Ship, or any Passage Broker or Passage Dealer, Agent, or other Person, shall receive any Money from any Person for or in respect of a Passage or intended Passage from the United Kingdom to any Port or Place in *North America*, the Person so receiving such Money shall give to the Party from whom the same shall have been received a Contract Ticket in plain and legible Characters, and made out upon a printed Form, which shall be in all respects according to the Form in the Schedule (H.) hereto annexed, or according to such other Form as may from Time to Time be prescribed by the said Colonial Land and Emigration Commissioners, by any Notice issued under their Hands or the Hands of any Two of them, and published in the "*London Gazette*," and shall also comply with all the Directions contained on the Face of such Form, and in default thereof shall be liable to a Penalty not exceeding Ten Pounds nor less than Five Pounds, in respect of each Passenger on account of whose Passage such Money shall have been received, to be sued for and recovered as herein-after is mentioned: Provided always, that such Contract Ticket shall not be liable to any Stamp Duty.

Penalty for Default.

Penalty for inducing any one to part with Contract Ticket.

XLVIII. And be it enacted, That any Owner, Charterer, or Master of a Ship, or any Passage Broker or other Person, who shall fraudulently alter or cause to be altered, after it is once issued, or shall induce any Person to part with, render useless, or destroy, any such Contract Ticket as aforesaid, during the Continuance of the Contract which it is intended to evidence, shall be liable in each Case to a Penalty not exceeding Five Pounds nor less than Two Pounds, to be recovered as herein-after mentioned.

Penalties on Agents acting without written Authority from Principals.

XLIX. And be it enacted, That if any licensed Broker or Passage Dealer shall, as Agent for any licensed Broker or Passage Dealer or for any other Person, receive Money for or on account of the Passage of any Passenger from the United Kingdom to any Port or Place in *North America*, without having a written Authority to act as such Agent, or shall, on the Demand of any Emigration Officer, refuse or

or fail to exhibit his Licence and such written Authority, or if any such Broker or Dealer, whether as Principal or Agent, or if any other Person, shall by any Fraud or false Pretence whatsoever induce any Person to purchase, hire, or engage any Passage to *North America*, every such Broker or Dealer or other Person shall be liable, upon Conviction, as herein-after is mentioned, in respect of every such Offence, to a Penalty not exceeding Ten Pounds nor less than Five Pounds, to be sued for and recovered in manner herein-after mentioned; and no Person, unless acting under the written Authority and as the Agent or Servant of a licensed Broker or Passage Dealer duly qualified at the Time to act in that Capacity, shall be entitled to recover by legal Process from any intending Emigrant, or from any Passage Broker or other Person, any Fee, Commission, or Reward for or in consideration of any Service rendered or performed to or for any Passenger or Person seeking Information or Assistance in any way relating to Emigration to *North America*; and such licensed Passage Broker or Dealer shall exhibit and keep constantly exhibited in some conspicuous Place in his Office or Place of Business a correct List containing the Names and Addresses in full of every Person for the Time being holding such Authority from him as aforesaid, and shall at least once in every Month transmit a true Copy of such List duly signed by him to the Emigration Officer stationed nearest to the Place of Business of such licensed Passage Broker or Dealer; and in case of any Default herein such licensed Passage Broker or Dealer shall be liable on Conviction as herein-after mentioned to a Penalty not exceeding Five Pounds nor less than Two Pounds for each Offence.

No Person entitled to Commission or Fee for Services to Emigrants unless acting as Agent for a Broker.

L. And be it enacted, That in every Ship, whether a "Passenger Ship" or otherwise, fitting or intended for the Carriage of Passengers, or which shall carry Passengers on any Voyage to which any of the Provisions of this Act may for the Time being extend, if every such Facility for Inspection shall not be afforded as herein-before required, and that if any such "Passenger Ship" shall clear out or proceed on her Voyage before the Master shall have obtained a Certificate as herein-before required that all the Requirements of this Act have been complied with, or if before a Clearance be demanded for any Ship, whether a "Passenger Ship" or otherwise, such Lists of Passengers, or if at any Time during the Voyage all such Additions to the "Masters" Lists, or if such additional or separate Lists, as herein-before required, shall not be duly made, signed, and delivered to the proper Officer, or if any such List or any Additions to the same shall not be duly exhibited to or deposited with the proper Officer at any Port or Place as herein-before required, or if any of such Lists or the Additions thereto respectively shall be wilfully false, or if any "Passenger Ship" shall clear out or proceed on her Voyage without having

Penalties on Masters of Ships, as to Inspection of Ships, Emigration Officer's Certificate, Passengers Lists, Additional Passengers Lists,

 been

Survey, Beams, Deck, Height between Decks, Berths, Access to the Between Decks, Ventilating Apparatus, Boats and Life Buoys, Manning, Shipment of Provisions and Water, Issue of Provisions and Water, Water Casks, Cook and Cooking Apparatus, Surgeon, Medicines,

been duly surveyed as herein-before required, or if at any Time during the Voyage the Beams on which the Decks are supported in any such "Passenger Ship" shall not form Part of her permanent Structure, or if the Decks on which Passengers may lawfully be carried shall not be of the Thickness and laid or secured in such Manner as herein-before required, or if the Height between any Deck on which Passengers may lawfully be carried and the Deck immediately above it shall be less than Six Feet, or if there shall be more than Two Tiers of Berths on any One Deck, or if such Berths shall not be securely constructed, or shall not be of such Dimensions as herein-before required, or if there shall not be such an Interval between the Deck and the Floor of the Berths as herein-before required, or if the Passengers be berthed otherwise than as herein-before required, or if any of the Berths shall be taken down contrary to the Requirement in that Behalf herein-before contained, or if the Passengers shall not have free Access to or from the Between Decks in the Manner herein-before required, or if any "Passenger Ship" carrying as many as One hundred Passengers shall clear out or proceed on her Voyage without having on board such adequate ventilating Apparatus as herein-before required, or if there shall not be provided Boats and Life Buoys of such Description and Number as herein-before required, or if any such "Passenger Ship" shall proceed on her Voyage without being properly manned, or shall have on board as Cargo any Articles likely to endanger the Safety of the Ship or the Health or Lives of the Passengers as herein-before mentioned, or if any Part of the Cargo shall be carried on Deck, or if in any "Passenger Ship" at any Time during the Voyage there shall not be on board, properly stowed away under Hatches for the Use and Consumption of the Passengers, such Water and Provisions, and of such Description, Quantity, and Quality, as may be required by or under the Provisions of this Act, or if such Water and Provisions shall not be issued in the Quantities and in manner herein-before required, or if the Water shall not be carried in such Tanks or Casks as herein-before required, or if there shall not be on board of any Ship carrying as many as One hundred Passengers at all Times during the Voyage such Passengers Cook, and Place for cooking, and Cooking Apparatus as herein-before required, or if any "Passenger Ship" carrying as many as Fifty Persons on any Voyage of which the computed Length shall exceed Twelve Weeks, or on any other Voyage, except to *North America*, as many as One hundred Persons, or (except as herein-before excepted) on any Voyage to *North America* as many as One hundred Passengers, shall clear out or proceed on her Voyage without having on board, or shall not at all Times during the Voyage have on board, such Medical Practitioner as herein-before required, or if there shall not be on board of any "Passenger Ship" such Medicines, disinfecting Fluid

*Passengers.*

Fluid or Agent, Instruments, and Medical Apparatus, and such printed or written Directions for the Use of the same respectively, as may at any Time be required by or under the Provisions of this Act, or if any "Passenger Ship," except as herein-before provided, shall clear out or proceed on her Voyage before such Medical Inspection of the Medicines and Passengers shall have taken place, and such Certificate of the Medical Inspector shall have been granted as herein-before required, or if any diseased Person on board any such "Passenger Ship," or the Members of his Family, shall not be relanded as herein-before required, or if any Passenger shall without his previous Consent be landed at any Place other than the Place at which he may have contracted to land, or if any Passenger shall not be allowed to sleep and be maintained on board the Ship after Arrival for the Period and in manner herein-before provided, or if there shall not be kept on board Copies of this Act, or if One of such Copies shall not be produced on Demand, as herein-before required, then and in every such Case respectively the Master of every such Ship, or, as the Case may be, of every such "Passenger Ship," shall be liable for and in respect of each and every such Offence as aforesaid, on such Conviction as herein-after mentioned, to the Payment of a Penalty not exceeding Fifty Pounds Sterling nor less than Five Pounds Sterling.

Medical Inspector,

Relanding of diseased Passengers,

Wrongfully landing Passengers,

Maintenance of Passengers on Arrival,

and as to Copies of Act being kept on board, &c.

LI. And whereas certain Forms are from Time to Time issued by the said Colonial Land and Emigration Commissioners for the Use of Persons applying to them, or to Persons acting under their Authority, for Passages from the United Kingdom to the *British* Colonies wholly or partially at the Expense of *British* or Colonial Funds: And whereas it is expedient to afford additional Security against false Representations in such Forms, and in any Certificate of Marriage, Baptism, or otherwise, adduced in support thereof, and against the forging or fraudulently altering of any Signature or Statement in such Forms or Certificates: Be it therefore enacted, That if any Person shall wilfully make any false Representation in any such Form or Certificate as aforesaid, or shall forge or fraudulently alter any Signature or Statement in any such Form or Certificate, such Person shall be liable for and in respect of each and every such Offence, on such Conviction as herein-after mentioned, to the Payment of a Penalty not exceeding Fifty Pounds nor less than Five Pounds Sterling.

Penalty on falsifying or forging Forms of Application for Passages, or the Certificates in support thereof.

LII. And be it enacted, That all Penalties and Forfeitures imposed by this Act shall and may be sued for and recovered, with Costs, in the Manner herein-after mentioned; (that is to say,) in the United Kingdom by any Emigration Officer or his Assistant, or by any Collector or Comptroller of Her Majesty's Customs, or by any other Officer of Her Majesty's Customs authorized in Writing by the Commis-

Recovery of Penalties, &c.

Commissioners of Her Majesty's Customs to sue for Penalties and Forfeitures under this Act, and in any of Her Majesty's Possessions abroad by any Government Emigration Agent, or by any such Collector or Comptroller of Customs, or other Officer of Customs so authorized as aforesaid, or by any Officer authorized to sue for Penalties and Forfeitures under this Act by Writing under the Hand and Seal of the Governor of any such Possession, and the Commissioners of Her Majesty's Customs and every such Governor are hereby respectively empowered to grant such Authority as aforesaid; and that all Sums of Money made recoverable by this Act as Return of Passage Money, Subsistence Money, or Compensation shall and may be sued for and recovered as herein-after mentioned by and for the Use of any Passenger entitled thereto under this Act, or by any of such Officers as aforesaid, for and on behalf and to the Use of any such Passenger or any Number of such Passengers respectively, and either by one or several Complaints; and that all such Penalties, Forfeitures, and Sums of Money as aforesaid shall and may be sued for and recovered before any Two or more Justices of the Peace acting in any Part of Her Majesty's Dominions or Possessions in which the Offence shall have been committed or the Cause of Complaint shall have arisen, or in which the Offender or Party complained against shall happen to be; and upon Complaint made before any One Justice of the Peace acting as aforesaid, he shall issue a Summons requiring the Party offending or complained against to appear on a Day and at an Hour and Place to be named in such Summons; and every such Summons shall be served on the Party offending or complained against, or shall be left at his last known Place of Abode or of Business, or on board any Ship to which he may belong; and if such Party shall not appear accordingly, then (upon Proof of the due Service of the Summons by delivering a Copy thereof to the Party, or by delivering such Copy at his last known Place of Abode or of Business, or on board any Ship to which he may belong to the Person in charge of any such Ship as aforesaid, and stating the Purport thereof to the Person in charge of such Ship,) any Two of such Justices so acting as aforesaid may either hear and determine the Case in the Absence of the Party, or either of them may issue his Warrant for apprehending and bringing such Party before them or any Two Justices so acting as aforesaid, or the Justice before whom the Charge shall be made, if he shall have reason to suspect from Information upon Oath that the Party is likely to abscond, may issue such Warrant in the first instance without any previous Summons; and either upon the Appearance of the Party offending or complained against, or in his Absence as aforesaid, any Two of such Justices so acting as aforesaid may hear and determine the Case either with or without any written Information; and upon Proof of the Offence or of

Recovery of Passage, Subsistence, and Compensation Monies.

of the Complainant's Claim (as the Case may be), either by Confession of the Party offending or complained against, or upon the Oath of One or more credible Witness or Witnesses (which Oath such Justices are hereby authorized to administer); it shall be lawful for such Justices so acting as aforesaid to convict the Offender or adjudicate upon the Complaint, and upon every such Conviction to order the Offender to pay such Penalty or Forfeiture as they may think proper, not exceeding the Penalties and Forfeitures herein-before imposed, and upon every such Adjudication to order the Party complained against to pay to the Party suing for the same the Sum of Money sued for, or so much thereof as such Justices shall think the Complainant justly entitled to, together with, in every such Case as aforesaid, the Costs of the Proceedings; and if the Monies mentioned in such Conviction or Order be not paid immediately or within the Time limited thereby, it shall be lawful for any Two of such Justices so acting as aforesaid, by Warrant, to cause the Party offending to be committed to Gaol, there to be imprisoned with or without hard Labour, according to the Discretion of such Justices, for any Term not exceeding Three Calendar Months, unless such Monies and Costs ordered to be paid be sooner paid and satisfied.

Application of Penalties.

LIII. And be it enacted, That all Penalties and Forfeitures mentioned in this Act shall, when recovered, be paid to the Party at whose Suit the same shall have been recovered, for the Use of Her Majesty and Her Successors; and such Penalties and Forfeitures, if recovered in the Colonies, shall be paid over by the Party receiving the same into the Colonial Treasury, and shall form Part of the general Revenue of the Colony, and if recovered in the United Kingdom shall be paid over to the Colonial Land and Emigration Commissioners if the Party at whose Suit the same shall have been recovered be an Emigration Officer, or his Assistant, and to Her Majesty's Commissioners of Customs if the Party at whose Suit the same shall have been recovered be an Officer of Customs, to be by such Colonial Land and Emigration Commissioners and Commissioners of Customs respectively duly accounted for; and all such Penalties and Forfeitures as may be recovered in the United Kingdom shall be appropriated to such Purposes and in such Manner as the Lord High Treasurer or the Commissioners of Her Majesty's Treasury, or any Three or more of them, may from Time to Time direct and appoint: Provided always, that it shall be lawful for the Justices of the Peace who shall impose any such Penalty or Forfeiture at the same Time to direct, if they shall think fit, that a Part, not exceeding One Moiety thereof, be applied to compensate any Passenger for any Wrong or Damage which he may have sustained by the Act or Default in respect of which such Penalty or Forfeiture shall have been imposed.

Justices may direct Compensation out of Penalties to Party aggrieved.

Burden of Proof to be on Persons claiming Exemption from Act.

LIV. And be it enacted, That if in any Suit, Action, Prosecution, or other legal Proceeding under this Act any Question shall arise whether any Ship was or was not exempted from the Provisions of this Act, or any of them, the Burden of proving that such Ship was so exempted shall lie on the Party claiming the Benefit of the Exemption, and failing such Proof it shall for any such Purpose as aforesaid be taken and adjudged that the Ship did come within the Provisions of this Act.

Proof of a Party being an Emigration Officer, &c.

LV. And be it enacted, That if in any Proceeding before any Justice of the Peace under this Act, or upon any Action, Suit, or other Proceeding whatsoever, against any Person for anything done either contrary to or in pursuance of this Act, a Question should arise whether any Person is an Emigration Officer or Assistant Emigration Officer, or an Officer of Customs, *vivâ voce* Evidence may be given of such Fact, and shall be deemed legal and sufficient Evidence.

Passengers suing not incompetent Witnesses.

LVI. And be it enacted, That any Passenger suing, as hereinbefore is mentioned, for any Sum of Money made recoverable by this Act as Passage Money, Subsistence Money, or Compensation, shall not be deemed an incompetent Witness in any Proceeding for the Recovery thereof, notwithstanding the same, if recovered, shall be applicable to his own Use and Benefit.

Tender of Amends.

LVII. And be it enacted, That no Plaintiff shall recover in any Action against any Person for anything done in pursuance of this Act if Tender of sufficient Amends shall have been made before such Action brought, or if, after Action brought, a sufficient Sum of Money shall have been paid into Court, with Costs, by or on behalf of the Defendant.

Limitation of Action.

LVIII. And be it enacted, That no Action or Suit shall be commenced against any Person for anything done in pursuance of or under the Authority of this Act until Ten Days Notice has been given thereof in Writing to the Party or Person against whom such Action or Suit is intended to be brought, nor after Three Calendar Months next after the Act committed for which such Action or Suit shall be so brought; and every such Action shall be brought, laid, and tried where the Cause of Action shall have arisen, and not in any other Place; and the Defendant in such Action or Suit may plead the General Issue, and give this Act and any special Matter in Evidence at any Trial which shall be had thereupon; and if the Matter or Thing shall appear to have been done under or by virtue of this Act, or if it shall appear that such Action or Suit was brought before Ten Days Notice thereof given as aforesaid, or if any Action

or

or Suit shall not be commenced within the Time herein-before limited, or shall be brought or laid in any other Place than as aforesaid, then the Jury shall find a Verdict for the Defendant therein; and if a Verdict shall be found for such Defendant, or if the Plaintiff in such Action or Suit shall become nonsuited, or suffer a Discontinuance of such Action, or if upon any Demurrer in such Action Judgment shall be given for the Defendant thereon, then and in any of the Cases aforesaid such Defendant shall and may recover full Costs of Suit as between Solicitor and Client, and shall have such Remedy for recovering the same as any Defendant may have for his Costs in any other Case by Law.

Defendant may plead the General Issue, &c.

Costs.

LIX. And be it enacted, That every Sheriff or Steward and Sheriff Substitute or Steward Substitute of a County or Stewartry in *Scotland* shall, within his own County or Stewartry, have such and the like Powers and Privileges and be entitled to exercise such and the like Jurisdiction under this Act as any Justice or Two Justices, or Justices at Petty Sessions, have or is or are entitled to exercise under the Provisions of this Act; and all Acts, Matters, and Things competent to be done under the Provisions of this Act by or before any Justice or Two Justices, or Justices at Petty Sessions, or otherwise, may be done in *Scotland* by and before any Sheriff or Steward or Sheriff Substitute or Steward Substitute within his own County or Stewartry, and, unless where otherwise specially provided, it shall not be necessary in any Proceedings under this Act before such Sheriff or Steward or Sheriff Substitute or Steward Substitute to follow or observe the Forms prescribed by this Act in the Case of Proceedings before any Justice or Justices, or Justices at Petty Sessions, but all such Proceedings before such Sheriff or Steward or Sheriff Substitute or Steward Substitute may be conducted in the same Way and Manner as any summary Proceedings before any Sheriff or Steward Court in *Scotland* may be lawfully conducted at the Time of the passing of this Act, or at the Date of such Proceedings; and every Deliverance, Judgment, Sentence, and Conviction of any Sheriff or Steward or Sheriff Substitute or Steward Substitute under this Act shall be final, and not subject to any Review whatever.

In Scotland Sheriffs, &c. to act in the same Manner as Justices of the Peace in England.

LX. And whereas it is expedient to provide in certain Cases for the Carriage of Passengers by Sea from Her Majesty's Possessions abroad: Be it therefore enacted, That for the Purposes of this Act the Term "Colonial Voyage" shall signify any Voyage from any Port or Place within any of such Possessions (except the Territories under the Government of the *East India* Company) to any other Port or Place whatever, of which the Duration, computed as herein-after mentioned, shall exceed Three Days.

Colonial Voyages defined.

LXI. And

Extension of the Act to Colonial Voyages.

Certain Parts of the Act not to extend to Colonial Voyages.

LXI. And be it enacted, That, except as herein-after excepted, the Provisions of this Act shall apply, so far as the same are applicable, to all Ships carrying Passengers on any such "Colonial Voyage:" Provided always, that as to Ships carrying Passengers on any "Colonial Voyage," the Provisions of this Act shall not extend or apply so far as they relate exclusively to Passages from the United Kingdom to *North America*, and so far as they relate to the following Matters; (namely,)

The giving of a Bond to Her Majesty:

The keeping on board Copies of the Act, and Abstracts of any Order in Council:

The Return of Passage Money and Compensation in case the Party cannot be forwarded by the appointed Ship, or in case of Wreck:

The Payment of Subsistence Money in case of Detention:

Proviso as to Colonial Voyages shorter than Three Weeks.

Provided also, that as to Ships carrying Passengers on any "Colonial Voyage," whereof the Duration computed in the Manner herein-after mentioned shall be less than Three Weeks, in addition to the Matters lastly herein-before excepted, the Provisions of this Act shall not extend or apply so far as they relate to the following Subjects; (namely,)

The Construction or Thickness of the Decks:

The Berths:

The Height between Decks:

Light and Ventilation:

Manning:

Passengers Cook and Cooking Apparatus:

The Surgeon and Medicine Chest:

The Maintenance of Passengers for Forty-eight Hours after Arrival:

Provided also, that in the Case of such last-mentioned Voyage, whereof the computed Duration is less than Three Weeks, the Requirements of this Act respecting the Issue of Provisions shall not, except as to the Issue of Water, be applicable to any Passenger who may have contracted to furnish his own Provisions.

Governor of Colonies may, by Proclamation, declare Length of Voyage, and substitute other Articles of Food and Medicine.

LXII. And be it enacted, That it shall be lawful for the Governor of any of Her Majesty's Possessions abroad, by any Proclamation to be by him from Time to Time issued for that Purpose (which shall take effect from the issuing thereof), to declare the Rule of Computation by which the Length of the Voyage of any Ship carrying Passengers from such Possession to any other Place whatsoever shall be computed for the Purposes of this Act, and to substitute for the Articles of Food and Provisions specified in this Act such other Articles of Food and Provisions as shall be a full Equivalent for the same, and also to declare what Medicines, Medical Instruments, and

and other Matters shall be deemed necessary for the Medical Treatment of the Passengers during such "Colonial Voyage:" Provided always, that every such Proclamation shall be transmitted by the Governor by whom the same may have been issued to Her Majesty, through One of Her Majesty's Principal Secretaries of State, for Her Majesty's Confirmation or Disallowance: Provided also, that on the Production in any other of Her Majesty's Possessions abroad of an attested Copy of any such Proclamation as aforesaid under the Hand of the Governor of the Colony wherein the same may have been issued, and under the public Seal of such Colony, such attested Copy shall, in the Colony wherein the same shall be so produced, be received as good and sufficient Evidence of the issuing and of the Contents of any such Proclamation.

Proclamations to be transmitted for Her Majesty's Confirmation or Disallowance.

Attested Copy of such Proclamation to be received as Evidence in the Colony in which it may be produced.

LXIII. And be it enacted, That it shall be lawful for the Governors of any such Possessions respectively to authorize such Person or Persons as they may think fit to make the like Survey and Examination of "Passenger Ships" sailing from such Possessions respectively as is herein-before required to be made by Two or more competent Surveyors in respect of "Passenger Ships" sailing from the United Kingdom, and also to authorize any competent Person to act as Medical Practitioner on board any "Passenger Ship" proceeding on a "Colonial Voyage" in those Cases where a Medical Practitioner would be required by this Act if the Ship were a "Passenger Ship" proceeding from the United Kingdom.

Provisions for Survey of Ships in the Colonies, and for appointing Surgeons thereto.

LXIV. Provided always, and be it enacted, That nothing herein-before contained shall apply to any of the Territories or Places under the Government of the *East India* Company, or to any of the Governors appointed by the said Company, nor shall anything herein-before contained affect the Powers now vested in the Governor General of *India* in Council to make Laws and Regulations whereby the Provisions of this Act, or such of them as to the said Governor General of *India* in Council shall seem expedient, shall or may be extended to the Territories and Places under the Government of the said Company, or for or in respect of which the said Governor General in Council has now by Law a Power of Legislation, but it shall be lawful for the Governor General of *India* in Council, from Time to Time, by any Act or Acts to be passed for that Purpose, to declare that this Act, or that any Part thereof, shall extend and apply to the Carriage of Passengers upon any Voyage from any Ports or Places within the Territories of the *East India* Company, to be specified or described in such Act or Acts, to any other Places whatsoever, to be also specified or described in such Act or Acts, and also in like Manner to authorize the Substitution, as respects such

Power to the Governor General of India in Council to adopt this Act, with certain Exceptions, in India;

such Voyages, of other Articles of Food and Provisions for those herein-before enumerated, and to declare the Rule of Computation by which the Length of any such Voyage shall be estimated, and to determine the Persons or Officers who shall be entitled to exercise or perform the Powers, Functions, or Duties herein-before given to or imposed upon the Emigration Officers and Officers of Customs in the United Kingdom, and to authorize the Employment on board any Ship of a Medical Practitioner duly qualified by Law to practise as a Physician, Surgeon, or Apothecary within such Territories or Places as aforesaid; and to declare for the Purposes of this Act the Space necessary for Passengers in Ships that may clear out from any Port or Place within the Territories or Places under the Government of the *East India* Company, and the Age at which Two Children shall be considered equal to One Passenger in Ships that may clear out from any Port or Place as aforesaid, and also to declare in what Manner, and before what Authorities, and by what Form of Proceedings the Penalties imposed and the Sums of Money made recoverable by this Act shall be sued for and recovered within any Places or Territories under the Government of the *East India* Company, and to what Uses such Penalties shall be applied; and from and after the passing of such Indian Act or Acts, and whilst the same shall remain in force, all such Parts of this Act as shall be adopted therein shall apply to and extend to the Carriage of Passengers upon such Voyages as in the said *Indian* Act or Acts shall be specified: Provided always, that the said *Indian* Acts shall be subject to Disallowance and Repeal, and shall in the same Manner be transmitted to *England* to be laid before both Houses of Parliament, as in the Case of any other Laws or Regulations which the said Governor General in Council is now by Law empowered to make.

and to declare the Space to be allotted to Passengers, and the Age at which Two Children may be computed as One Passenger, and the Mode of proceeding for Recovery of Penalties in India.

SCHE-

*Passengers.*

# SCHEDULES to which the foregoing Act refers.

## SCHEDULE (A.)

Referred to in the 12th Section of this Act.

### Form of Passengers List.

| Ship's Name. | Master's Name. | Tons per Register. | Aggregate Number of Superficial Feet in the several Compartments set apart for Steerage Passengers. | Total Number of Statute Adults, exclusive of Master, Crew, and Cabin Passengers, the Ship can legally carry. | Where Bound. |
|---|---|---|---|---|---|
| | | | | | |

I hereby certify, That the Provisions actually laden on board this Ship, according to the Requirements of the Passengers Act, are sufficient for Passengers, computed according to the Act.

(Signed) _____ } Master.

Date _____

### Names and Descriptions of Passengers.

| Ports of Embarkation. | Names of Passengers. | Adults. Age. M. | Adults. Age. F. | Children between 14 and 1. Age. M. | Children between 14 and 1. Age. F. | Number of Infants under 12 Months. | Profession, Occupation, or Calling of Passenger. | State whether English, Scotch, or Irish. | Port at which Passengers have contracted to land. |
|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | |

### Summary.

| | Number of Souls. English. | Scotch. | Irish. | Total. | Equal to Statute Adults. |
|---|---|---|---|---|---|
| Adults - - - - | | | | | |
| Children between 14 and 1 - | | | | | |
| Infants - - - | | | | | |
| Total - - - | | | | | |

We hereby certify, That the above is a correct List of the Names and Descriptions of all the Passengers who embarked at the Port of _____

(Signed) _____ Master.

(Countersigned) _____ Officer of Customs.

*N.B.*—Lines should be ruled in the same Form for any Additions to the List after the Ship first clears out; and similar Certificates be subjoined to such Additions, according to the Requirements of the Act.

## SCHEDULE (B.)

Referred to in the 43d Section of this Act.

FORM of BOND to be given by OWNER or CHARTERER and MASTER.

KNOW all Men by these Presents, That we,

are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of One thousand Pounds of good and lawful Money of Great Britain, to be paid to our said the Heirs and Successors; to which Payment, well and truly to be made, we bind ourselves and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of in the Year of the Reign of said Majesty, and in the Year of our Lord One thousand eight hundred and

WHEREAS by an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for regulating the Carriage of "Passengers in Merchant Vessels," it is amongst other things enacted, that before any "Passenger Ship" shall clear out or proceed on any Voyage to which the Provisions of the said Act shall extend, the Owner or Charterer, or, in the Absence of such Owner or Charterer, One good and sufficient Person on his Behalf, to be approved by the Chief Officer of Customs at the Port of Clearance, shall with the Master of the said Ship enter into a Bond to Majesty, Heirs and Successors, in the Sum of One thousand Pounds.

Now the Condition of this Obligation is such, that if the Ship whereof is Master, bound to is in all respects Sea-worthy,* [and if the said Ship shall call at the Port of and there shall be shipped on board at such Port pure Water for the Use of the Passengers, sufficient in Quantity to afford an Allowance of Three Quarts daily to each Passenger for the Period of Weeks on the Voyage from such Port to the final Port or Place of Discharge of such Vessel,] and if all and every the Requirements of the said Act, and of the Colonial Land and Emigration Commissioners acting in the Manner prescribed by the said Act, and of any Order in Council passed in virtue of the said Act, shall in all respects be well and truly performed, and if, moreover, all Penalties, Fines, and Forfeitures which the Master of such Ship may be adjudged to pay for or in respect of the Breach or Nonfulfilment of any of such Requirements as aforesaid shall be well and truly paid, then this Obligation to be void, otherwise to remain in full force and virtue.

* The Clause within Brackets is to be inserted only when the Ship is to call at an intermediate Port to take in Water, as provided by s. 23. of the Act.

Signed, sealed, and delivered by the above-bounden in the Presence of *

* Insert Names and Addresses in full of the Witnesses.

*N.B.*—This Bond is exempt from Stamp Duty.

SCHE-

## SCHEDULE (C.)

Referred to in the 44th Section of this Act.

FORM of PASSAGE BROKERS BOND, with Two Sureties, to be approved by the Emigration Officer at the nearest Port.

KNOW all Men by these Presents, That we, *A.B.** of
*C.D.* of, *&c.*
and *D.E.* of, *&c.*
are held and firmly bound unto our Sovereign by the Grace of God of the United Kingdom of Great Britain and Ireland Defender of the Faith, in the Sum of Two hundred Pounds of good and lawful Money of Great Britain, to be paid to our said the Heirs and Successors; to which Payment, well and truly to be made, we bind ourselves, and every of us, jointly and severally, for and in the whole, our Heirs, Executors, and Administrators, and every of them, firmly by these Presents. Sealed with our Seals. Dated this Day of in the Year of the Reign of said Majesty, and in the Year of our Lord One thousand eight hundred and

* Insert Christian and Surnames in full, with Occupations and Address of each of the Parties.

WHEREAS by an Act passed in the Year of the Reign of Her Majesty Queen Victoria, intituled "An Act for regulating the Carriage of "Passengers in Merchant Vessels," it is amongst other things enacted, that it shall not be lawful for any Person to carry on the Business of a Passage Broker or Passage Dealer in respect of Passages from the United Kingdom to North America, or to sell or let, or agree to sell or let, or be in anywise concerned in the Sale or Letting of Passages in any Ship, whether a "Passenger Ship," or otherwise, proceeding from the United Kingdom to North America, unless such Person, and Two good and sufficient Sureties, to be approved by the Emigration Officer at the Port nearest the Place of Business of such Person, shall have previously entered into a joint and several Bond to Her Majesty, Her Heirs and Successors, in the Sum of Two hundred Pounds Sterling.

Now the Condition of this Obligation is such, that if the above-bounden *A.B.* shall well and truly observe and comply with all the Requirements of the said recited Act, so far as the same relate to Passage Brokers and Passage Dealers, and further shall well and truly pay all Fines, Forfeitures, and Penalties, and also all Sums of Money, by way of Subsistence Money, or of Return of Passage Money and Compensation, to any Passenger, or on his Account, and also all Costs which the above-bounden *A.B.* may at any Time be adjudged to pay under or by virtue of any of the Provisions of the said recited Act, then and in such Case this Obligation to be void, otherwise to remain in full Force.

Signed, sealed, and delivered by the above-bounden *A.B.*, *C.D.*, and *E.F.*, in the Presence of*

* Insert the Names and Addresses in full of the Witnesses.

*N.B.*—This Bond is to be executed in Duplicate, but is exempt from Stamp Duty. One Part is to be deposited with the Colonial Land and Emigration Commissioners in London, and the other Part with the Chief Officer of Customs at the Port of Clearance.

## SCHEDULE (D.)

Referred to in the 45th Section of this Act.

FORM of PASSAGE BROKER'S LICENCE.

* The Christian and Surnames in full, with the Address and Trade or Occupation of the Party applying for the Licence, must be correctly inserted.

*A.B.** of in the having shown to the Satisfaction of us, the undersigned Justices of the Peace in Petty Sessions assembled, that he hath duly given Bond to Majesty, as by the Passengers Act required, and also given Fourteen Days previous Notice to the Colonial Land and Emigration Commissioners of his Intention to make Application for a Licence to carry on the Business of a Passage Broker or Passage Dealer in respect of Passages to North America, we, the undersigned Justices so assembled as aforesaid, having had no sufficient Cause shown to us, and seeing of ourselves no valid Reason why the said *A.B.* should not receive such Licence, do hereby license and authorize the said *A.B.* to carry on the Business of a Passage Broker or Passage Dealer as aforesaid until the End of the present Year, and Thirty-one Days afterwards, unless this Licence shall be sooner determined by Forfeiture for Misconduct on the Part of the said *A.B.*, as in the Passengers Act is provided.

Given under our respective Hands and Seals, this Day of 18 at

(L. S.)
Justice of the Peace.

(L. S.)
Justice of the Peace.

## SCHEDULE (E.)

Referred to in the 45th Section of this Act.

FORM of NOTICE to be given to the Colonial Land and Emigration Commissioners by Justices granting a Licence.

Gentlemen,

THIS is to give you Notice, That we, the undersigned Justices of the Peace assembled in Petty Sessions for did on the Day of license *A.B.* of* to carry on the Business of a Passage Broker or Passage Dealer in respect of Passages to North America.

* Insert the Christian and Surnames in full, with the Address and Occupation of the Party.

*Signatures* J.P.

J.P.

*Date*

To the Colonial Land and Emigration Commissioners, London.

SCHE-

## SCHEDULE (F.)

Referred to in the 45th Section of this Act.

FORM of NOTICE to be given to Her Majesty's Colonial Land and Emigration Commissioners, by any Applicant for a Passage Broker's Licence.

Gentlemen,

I, *A.B.** of in do hereby give you Notice, That it is my Intention to apply, after the Expiration of Fourteen clear Days from the putting of this Notice into the Post, to the Justices to be assembled in Petty Sessions to be held † for a Licence to carry on the Business of a Passage Broker or Passage Dealer in respect of Passages to North America.

*Signature*

*Date*

To Her Majesty's Colonial Land and Emigration Commissioners, London.

* The Christian Names and Surname in full, with the Address and Trade or Occupation of the Party applying for a Licence, must be here correctly inserted.

† The Place or District in which the Party giving the Notice has his Place of Business.

## SCHEDULE (G.)

Referred to in the 45th Section of this Act.

FORM of NOTICE to be given to the Colonial Land and Emigration Commissioners of Forfeiture of a Licence.

Gentlemen,

THIS is to give you Notice, That the Licence granted on the Day of 18 to *A.B.** of in to act as a Passage Broker or Passage Dealer, was on the Day of now last past duly declared by us, the undersigned Justices of the Peace in Petty Sessions assembled, to be forfeited.†

*Signatures* J.P.

J.P.

*Date*

To the Colonial Land and Emigration Commissioners, London.

* The Christian and Surnames in full, with the Address and Trade or Occupation of the Party, to be here inserted.

† Here state generally the Reason of Forfeiture.

SCHE-

## SCHEDULE (H.)

Referred to in the 47th Section of this Act.

### PASSENGERS CONTRACT TICKET.

These Directions and the "Notices to Passengers" below form Part of and must appear on each Contract Ticket.

1. A Contract Ticket in this Form must be given to every Passenger engaging a Passage from the United Kingdom to North America.
2. All the Blanks must be correctly filled in, and the Ticket must be legibly signed with the Christian Names and Surname and Address in full of the Party issuing the same.
3. The Day of the Month on which the Ship is to sail must be inserted in Words and not in Figures.
4. When once issued this Ticket must not be withdrawn from the Passenger, nor any Alteration or Erasure made in it.

Ship _____ of _____ Tons Register Burden, to sail from _____ for _____ on the _____ Day of _____ 18 _____.

| Names. | Ages. | Equal to Statute Adults. |
|---|---|---|
| | | |

I engage that the Parties herein named shall be provided with a Steerage Passage to the Port of _____ in _____ in the Ship _____ with not less than Ten Cubic Feet for Luggage for each Statute Adult, for the Sum of £ _____, including Government Dues before Embarkation, and Head Money, if any, at the Place of landing, and every other Charge; and I hereby acknowledge to have received the Sum of £ _____ in { full / part } Payment.

In addition to any Provisions which the Passengers may themselves bring, the following Quantities, at least, of Water and Provisions will be supplied to each Passenger by the Master of the Ship, as required by Law, and also Fires and suitable Places for cooking:—

3 Quarts of Water daily.

Per Week.
- 2½ lbs. of Bread or Biscuit, not inferior in Quality to Navy Biscuit.
- 1 lb. of Wheaten Flour.
- 5 lbs. of Oatmeal.*
- 2 lbs. of Rice.*
- ½ lb. of Sugar.
- ½ lb. of Molasses.
- 2 oz. of Tea.

* 5 lbs. of good Potatoes may, at the Option of the Master of the Ship, be substituted for 1 lb. of Oatmeal or Rice, and in Ships sailing from Liverpool or from Irish or Scotch Ports, Oatmeal may be substituted in equal Quantities for the whole or any Part of the Issues of Rice.

[*N.B.*—If Mess Utensils and Bedding are to be provided by the Ship, the Stipulation must be inserted here.]

Signature _____

Date _____

[If signed by a Broker or Agent, state on whose Behalf.]

Deposit £ _____

Balance £ _____ to be paid at _____

Total £ _____

This Part of the Contract Ticket is to be separated from the other, and to be delivered by the Passenger to the Emigration Officer at the Port of Embarkation (or if no such Officer, to the Officer of Customs), or to any one appointed by him to receive it.

CONTRACT TICKET.

Ship _____ to sail from _____ for _____ on the _____ Day of _____ 18 _____.

NAMES.

_____ Souls, equal to * _____ Statute Adults.

Passage Money, including all Charges, £ _____

To be signed by the Party issuing the Ticket. }

* Insert Number of Souls and of Statute Adults.

NOTICES TO PASSENGERS.

1. If the Ship do not proceed to Sea on the Day specified above, Passengers, if ready to go on board and proceed in the Vessel, are entitled to Subsistence Money at the Rate of One Shilling a Day per Statute Adult (each Person over Fourteen or Two Children between One and Fourteen Years of Age being reckoned as a Statute Adult) for each Day of Delay until the actual clearing out and final Departure of the Ship; but if the Passengers are lodged and maintained in any Establishment under the Superintendence of the Colonial Land and Emigration Commissioners, the Shilling a Day is payable to the Emigration Officer at the Port of Embarkation. In either Case the Money may be recovered by summary Process before Two Magistrates. If, however, the Delay arises from unavoidable Detention by Wind or Weather, and if the Passengers be maintained on board in the same Manner as if the Voyage had commenced, no Subsistence Money is payable.
2. If Passengers fail to obtain a Passage in the Ship according to their Contract, either from her having sailed before the appointed Time, or from there being no Room in her, or through any Default of the Owner, Charterer, or Master, and are not within Forty-eight Hours provided with a Passage in some other equally eligible Ship to the same Port, then they are entitled to a Return of their Passage Money, and to such Compensation, not exceeding 10*l.*, as the Justices may award.
3. Passengers should not rely only on the Provisions which the Master of the Ship is bound to issue to them, but should take an extra Supply with them.
4. Passengers should carefully keep this Part of their Contract Ticket till after the End of the Voyage.

*N.B.*—This Contract Ticket is exempt from Stamp Duty.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE, Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

## CAP. XXXIV.

### An Act to amend an Act regulating the Justice of the Peace Small Debt Courts in *Scotland*.

[13th *July* 1849.]

WHEREAS an Act was passed in the Sixth Year of the Reign of His Majesty King *George* the Fourth, intituled *An Act to alter and amend an Act passed in the Thirty-ninth and Fortieth Year of King* George *the Third, for the Recovery of Small Debts in* Scotland, and it is expedient that the said recited Act should be amended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Causes which Her Majesty's Justices of the Peace in *Scotland* may competently hear, try, and determine under the Authority of the said recited Act and this Act shall proceed upon Complaint, to be signed by the Clerk or Depute Clerk of the Peace agreeably to the Form in Schedule (A.) hereunto annexed; and a Copy of the Complaint with Citation thereon, and also a Copy of the Account, Document of Debt, or State of the Demand, being delivered by a Constable to the Defender personally, or left at the Dwelling Place of the Defender, or, in the Case of a Company, at the ordinary Place of

6 G. 4. c. 48.

Form of Complaint and Mode of Execution, and One Citation to be good without a Second Citation.

of Business of the Company, Six Days at least before the Diet of Court mentioned in such Complaint, shall be good and effectual to all Intents and Purposes, anything in the said recited Act requiring a Second Citation where the First Citation had not been delivered personally, to the contrary notwithstanding.

Causes in which Decrees in Absence have been pronounced may be re-heard on the like Service and Induciæ.

II. And be it enacted, That where a Decree has been pronounced in Absence of the Defender, or where Absolvitor has passed in Absence of the Pursuer, either before or after the passing of this Act, a Copy of the Warrant for rehearing being served upon the other Party personally, or left at the Dwelling Place of such Party, in the Manner and upon the Induciæ herein-before prescribed regarding the Service of a Complaint, shall be an Authority for rehearing the Cause.

Warrant or Decree issued in one County may be enforced in another, if indorsed, &c.

III. And be it enacted, That any Warrant or Decree to be obtained in any such Cause as aforesaid may be enforced by a Constable either in the County in which the same has been issued, or in any other County or Counties; provided that, when enforced in any other County, the Warrant or Decree or Extract thereof shall first be endorsed by the Clerk or Depute Clerk of the Peace of such other County, who is hereby required to make such Endorsement on Payment of a Fee not exceeding One Shilling.

Recited Act continued, except as hereby altered.

IV. And be it enacted, That the said recited Act shall continue in full Force and Effect, excepting in so far as the same is hereby altered and amended.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

SCHE-

## SCHEDULE (A.)

No.

The Honourable Her Majesty's Justices of the Peace for the Shire [*or* Stewartry] of

To Officers of Court, jointly and severally.

WHEREAS it is humbly complained to us by *C.D.*. [*Designation*] that *E.F.* [*Designation*], Defender, is owing to the Complainer the Sum of which the said Defender refuses or delays to pay; and therefore the said Defender ought to be decerned and ordained to make Payment to the Complainer with Expenses: Therefore it is our Will, that on Sight hereof ye lawfully summon the said Defender to compear before us, or any Two or more of us, in the at upon the Day of at of the Clock noon, to answer at the Complainer's Instance in the said Matter, with Certification, in case of Failure, of being held as confessed; requiring you also to deliver to the Defender a Copy of any Account, Document of Debt, or State of the Demand pursued for; and that ye cite Witnesses and Havers for both Parties to compear at the said Place and Date, to give Evidence in the said Matter as accords of Law.

Given under the Hand of the Clerk of Court, at the Day of Eighteen hundred and Years.

*J. P.*, Clerk,
[*or* Depute Clerk.]

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*Citation for Defender.*

*E. F.*, Defender above designed, you are hereby summoned to appear and answer before the Justices in the Matter, and at the Time and Place, and under the Certification set forth in the above Copy of the Complaint against you.

This Notice served upon the Day of by me. *J. T.*, Constable.

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LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. XXXV.

### An Act for requiring annual Returns of the Expenditure on Highways in *England* and *Wales* to be transmitted to the Secretary of State, and afterwards laid before Parliament.

[13th *July* 1849.]

WHEREAS by an Act passed in the Sixth Year of King *William* the Fourth, intituled *An Act to consolidate and amend the Laws relating to Highways in that Part of* Great Britain *called* England, it was enacted, that within One Calendar Month after the Election or Appointment of Surveyor as therein directed the Accounts for the Year preceding of Monies received and disbursed by virtue of the said Act should be signed by the Surveyor, District Surveyor, or Assistant Surveyor for the Year preceding, and laid before the Justices of the Peace at a Special Sessions for the Highways holden at the Place nearest to the Parish or District for which such Surveyor should have been appointed; and that at the Special Sessions for executing the Purposes of the said Act held next after the Twenty fifth Day of *March* in every Year by the Justices of the Peace within their respective Divisions the Surveyor of each of the Parishes within such respective Divisions 5 & 6 W. 4. c. 50.

 should

should verify his Accounts: And whereas it is expedient that annual Statements of the Receipts and Expenditure on Highways in *England* should be transmitted to One of the Secretaries of State, to the Intent that Abstracts thereof may be laid before both Houses of Parliament: Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That at the Special Sessions in each Division at which the Accounts of any Surveyors, District Surveyors, and Assistant Surveyors shall be produced and verified as by the said recited Act required the Clerk to the Justices shall prepare from such Accounts a separate Statement in Writing, according to the Form in the Schedule to this Act, of the Receipts and Expenditure on account of the Highways of each Parish in such Division, and shall, within Fourteen Days after such Special Sessions, transmit all such Statements to One of Her Majesty's Principal Secretaries of State; and for the Preparation and Transmission of each such Statement such Clerk shall be entitled to charge to the respective Parish the Fee of Two Shillings; and if any such Clerk to such Justices shall neglect to transmit any such Statement within the Time herein-before prescribed for that Purpose, he shall for every such Offence, on Conviction, forfeit any Sum not exceeding Five Pounds nor less than Forty Shillings, and such Penalty shall be recovered and applied as Penalties are by the said Act made recoverable and applicable.

**Clerks to Justices at Special Sessions to prepare Statements from Accounts of Surveyors of Highways, and transmit them to Secretary of State.**

**Penalty on Neglect**

II. And be it enacted, That the Town Clerk of every City, Borough, Port, Cinque Port, or Town Corporate subject to the Provisions of the Act passed in the Seventh Year of King *William* the Fourth, "to provide for the Regulation of Municipal Corporations in "*England* and *Wales*," and the Clerk to the Trustees or Commissioners appointed under any Act of Parliament where the Council of such City, Borough, Port, Cinque Port, or Town Corporate, or such Trustees or Commissioners, are authorized to pave, cleanse, or repair any Highway, shall, within Thirty Days next after every annual or other periodical Account of the Receipts and Expenditure of such Council, Trustees or Commissioners, in respect of the Highways under their Management has been made out, or where Provision is made for the Settlement or Audit of such Account, then within Thirty Days after such Settlement or Audit, prepare from such Account a Statement in Writing, showing (as far as Circumstances will permit) the like Particulars of such Receipts and Expenditure as are indicated under the Heads of Receipts and Expenditure respectively in the Form contained in the Schedule to this Act, and shall, within the Time aforesaid, transmit such Statement to One of Her

**Town Clerks of Cities and Boroughs, and Clerks to Trustees and Commissioners, to prepare Statements of Accounts respecting Highways, and transmit them to Secretary of State.**

Her Majesty's Principal Secretaries of State; and if such Town Clerk or Clerk to the Trustees or Commissioners shall neglect to transmit any such Statement within such Time as aforesaid, he shall for every such Offence, on Conviction, forfeit any Sum not exceeding Ten Pounds nor less than Five Pounds, and such Penalty shall be recovered and applied as Penalties are by the said Act made recoverable and applicable.

Penalty on Neglect.

III. And be it enacted, That such Secretary of State shall every Year cause the Statements transmitted to him under this Act to be abstracted, and the Abstracts thereof to be laid before both Houses of Parliament.

Abstracts of Statements to be laid before Parliament.

IV. And be it enacted, That the said first-recited Act and this Act shall be construed together as One Act.

First-recited Act and this Act to be construed as One.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

SCHE-

## SCHEDULE.

GENERAL STATEMENT of the RECEIPTS and EXPENDITURE on account of the HIGHWAYS of the Parish [Township, Hamlet, *&c.*] of in the County of for the Year ending 25th March 18 , as appearing from the Accounts of Surveyor of Highways for the said Parish [Township, Hamlet, *&c.*], allowed by the Justices at a Special Sessions for the Highways holden at on the Day of

### RECEIPTS.

| | £ | s. | d. |
|---|---|---|---|
| Balance in hand (if any) from last Account - - - | | | |
| Rates or Assessments received in Money - - - | | | |
| Value of Team Labour performed by Rate-payers in lieu of Rates | | | |
| Value of other Work performed by Rate-payers in lieu of Rates | | | |
| Receipts from Turnpike Trusts (if any) - - - - | | | |
| Other Receipts - - - - - - - | | | |
| Total Income - - - £ | | | |

### EXPENDITURE.

| | £ | s. | d. |
|---|---|---|---|
| Balance overpaid (if any) on last Account - - - | | | |
| Paid for Manual Labour - - - - - | | | |
| „ for Team Labour (in Money) - - - - | | | |
| „ for Materials - - - - - - | | | |
| „ for Tradesmen's Bills - - - - - | | | |
| „ for Salaries - - - - - - | | | |
| Value of Team Labour performed by Rate-payers in lieu of Rates | | | |
| Value of other Work performed by Rate-payers in lieu of Rates | | | |
| Payments to Turnpike Trusts (if any) - - - | | | |
| Other Payments - - - - - - | | | |
| Total Expenditure - - £ | | | |

Leaving on the 25th March 18 a Balance of £ in hand, or overspent, as the Case may be.

(Signed) _____

Clerk to the Justices for the Division.

Dated 18

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# VICTORIÆ REGINÆ.

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to alter and modify the Condition of any such Bond and Warrant of Attorney to be given as such Security as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, by any Order to be published in the *Dublin Gazette*, from Time to Time to order and declare that in and for any County or Barony in such Order specified the Provision herein-after contained relating to the Security to be given by any High Constable or Collector of Grand Jury Cess for the due Collection of the same shall be in force during the then current Year; and a Copy of such Order shall be transmitted to the Secretary of the Grand Jury of such respective County; and from the making of such Order thenceforth as to any such County or Barony it shall be and be deemed valid and sufficient, for the Purposes of the said recited Act, that any such Bond and Warrant of Attorney to confess Judgment to the Treasurer in the said Act directed to be given, and so given and entered into during the then current Year in which such Order shall have been made, shall be conditioned for any such High Constable or Collector duly collecting and paying to the County Treasurer all such public Money so required by him to be collected as he shall receive, or as he without Neglect or wilful Default might have received; and any such last-mentioned Bond and Warrant, without any Stamp, shall be as valid and effectual for the Purposes of the said Act, or any Act amending the same, and shall be deemed to be within the Meaning and subject to the Provisions of the said recited Act, or any Act amending the same, as fully and effectually as any such Bond and Warrant as is by the said recited Act prescribed.

**Power to Lord Lieutenant, by Order to be published in Dublin Gazette, to continue Security given by Collectors of Grand Jury Cess for the then current Year.**

II. And be it enacted, That in every County in which or in any Barony of which the Provision of this Act last aforesaid shall be in force in manner aforesaid, it shall be lawful for the Secretary of the Grand Jury of such County and he is hereby required, by Notice under his Hand to be posted at the usual Places for posting public Notices in each Barony next herein-after mentioned, to convene a Special Sessions for the Examination of the Collector's Accounts, to be holden in each Barony in which such last-mentioned Provision shall be so in force at the usual Place for holding Presentment Sessions, on a certain Day not more than Ten Days previously to the First Day of the assembling of the Grand Jury at each Assizes, at which said Special Sessions respectively the several Justices of the County shall be entitled to attend and take a Part in the Proceedings, and also such Cess-payers as were associated with the Justices at the Presentment

**A Special Sessions to be held to examine Collector's Accounts, and to certify the Amount he might without Neglect or wilful Default have received.**

sentment Sessions held for such respective Barony after the then last Assizes; and at such Special Sessions in each such Barony, the High Constable or Collector of the same is hereby required to attend and produce his Accounts, Books, and Vouchers relating to the Collection of Grand Jury Cess in such Barony before such Justices and Cess-payers, who shall examine the same; and after due Examination of the same, and after Examination of such High Constable or Collector or other Person or Persons upon Oath relating to the same, which Oath any such Justice shall be empowered to administer, such Justices and Cess-payers shall determine and ascertain the Amount of the Sums which such High Constable or Collector shall have received or without Neglect or wilful Default might have received and collected of the Amount of the Grand Jury Cess required to be collected by him since the then last Assizes, and shall cause the Chairman of such Special Sessions to certify under his Hand the Amount thereof which without Neglect or wilful Default might have been so collected, and also the Amount actually collected, together with a List of the Persons and Lands from whom or which such Cess has not been collected, and also a List of the Persons and Lands, if any, from whom or which the same might have been so collected and has not been collected; and such Certificate and Lists shall by the Secretary of the Grand Jury be laid before the Grand Jury at the then next Assizes, who shall take the same into their Consideration; and if they shall pass a Resolution approving of such Certificate, or approving thereof subject to any Modification, and if such High Constable or Collector shall duly pay or shall have paid over to the respective Treasurer of the County the whole Amount which it shall appear by such Certificate, so approved or modified, might without Neglect or wilful Default have been collected, such High Constable or Collector in such Case shall receive and be paid his Poundage as in the said first-recited Act, or any Act amending the same, and this Act, provided, upon the Amount so collected and paid over to the Treasurer.

Certificate and Lists to be laid before Grand Jury, and if approved and Money paid over, Collector to be entitled to Poundage.

III. Provided always, and be it enacted, That as regards any such County or Barony specified in such Order as aforesaid, where a Collector has not yet been appointed for any Barony to collect the County Cess payable before the Summer Assizes of this Year, in such Case, at any Time previous to the Summer Assizes of this Year, the Appointment of any such High Constable or Collector may be made for such Barony by the Treasurer of such respective County, and such Security as aforesaid may be given before such Treasurer, and such Appointment and Security so made and given shall be as valid and effectual to all Intents and Purposes, and subject to like Provisions and Powers, as if such High Constable or Collector had been

Provision for appointing a Collector in any County or Barony specified in the Order before the Summer Assizes of this Year.

been duly appointed by the Grand Jury or any Quarter Sessions or Special Sessions, and such Security had been duly given in the Manner in the said recited Act or any Act amending the same directed: Provided always, that in such last-mentioned Case the Examination of the Accounts, Books, and Vouchers of the High Constable or Collector, instead of being held and had before a Special Session as herein-before provided, shall be held and had before any Three Members of the Grand Jury of such County at the said Summer Assizes, in like Manner and with like Powers, who may grant a like Certificate, which shall be laid before the said Grand Jury and shall be dealt with in like Manner and deemed and taken as if the same had been made and given at a Special Session as herein-before mentioned.

Collector shall pay his Collection monthly to the County Bank, or as soon as he has received 100*l.*

IV. And be it enacted, That any such High Constable or Collector shall, on or before the First Day of every Month, or so often as he shall have received One hundred Pounds, pay into the County Bank, to the Credit of the Treasurer of the County, the Sums he may have received up to such Period, and shall furnish to the Treasurer of the County an Account of the Sums so received and paid in.

Powers of this Act may be exercised to the End of the Year 1851.

V. And be it enacted, That the Proceedings, Powers, and Authorities and Provisions by this Act authorized and provided may (save when hereby otherwise declared) be had, taken, and exercised during the present Year, and to the End of the Year One thousand eight hundred and fifty-one.

Interpretation of Terms.

VI. And be it enacted, That in the Construction of this Act, unless the Subject or Context require another Construction, the Word "County" shall extend to a County of a City or County of a Town, and the Word "Barony" shall extend to any District for which any such Collector may be or may have been appointed under the Powers by Law given in that Behalf.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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# VICTORIÆ REGINÆ.

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## CAP. XXXVII.

An Act to continue to the First Day of *October* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament, an Act to amend the Laws relating to Loan Societies. [13th *July* 1849.]

WHEREAS an Act was passed in the Fourth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to Loan Societies*, which Act has been continued by sundry Acts until the First Day of *October* in the Year One thousand eight hundred and forty-nine, and to the End of the then next Session of Parliament, and it is expedient that the same should be further continued: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Act shall be further continued to the First Day of *October* in the Year One thousand eight hundred and fifty, and to the End of the then next Session of Parliament.

3 & 4 Vict. c. 110.

Recited Act further continued.

Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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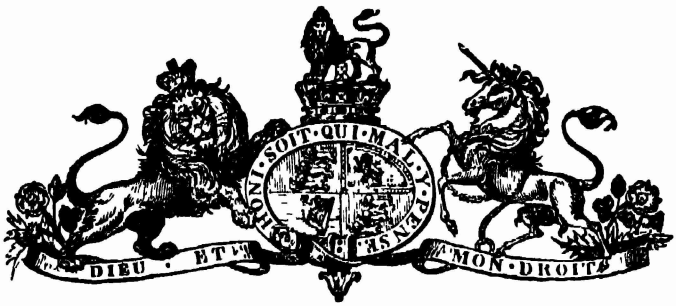


ANNO DUODECIMO & DECIMO TERTIO

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Act may be altered this Session

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Provisions of the said firstly-recited Act shall continue until the First Day of *August* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament.

Certain Provisions of first-recited Act further continued.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

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# VICTORIÆ REGINÆ.

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the Thirty-first Day of *July* One thousand eight hundred and forty-eight: And whereas it is expedient that the said Allowances (except as aforesaid) should be further continued: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said Allowances (except the Allowance of the Duty on Soap used, employed, or consumed in the whitening of new Linen in the Piece for Sale) shall continue and remain payable until the End of the Session of Parliament next after the Thirty-first Day of *July* One thousand eight hundred and fifty, in like Manner as if the same had been made payable until that Time by the said first-recited Act.

Certain Allowances of the Duty on Soap continued

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Fineness of Eleven Ounces Two Pennyweights of fine Silver and Eighteen Pennyweights of Alloy in the Pound Troy, and in Weight after the Rate of Sixty-six Shillings to every Pound Troy, whether the same be coined in Crowns, or in any Pieces of a lower Denomination; anything in any Act or Acts in force in *Great Britain* or *Ireland* respectively immediately before the passing of this Act, or anything in any Indenture with Her Majesty's Master or Worker of the said Mint for the Time being, or any Law, Usage, or Custom whatsoever, to the contrary thereof in anywise notwithstanding: Provided always, that all and every Silver Coin, not being of a Denomination which is authorized to be coined by the said recited Act, but being of a Denomination which is authorized to be coined by this Act, which shall be issued after the passing of this Act, shall be deemed and taken to have been coined after the passing and under the Authority of this Act, and shall be subject to all and every the Rules, Regulations, and Provisions relating to Silver Coin to be coined in pursuance of the Provisions of this Act.

**Former Acts relating to Silver Coin extended to this Act.**

II. And be it enacted, That all and every Act and Acts in force immediately before the passing of this Act respecting the Coin of this Realm, or the clipping, diminishing, or counterfeiting of the same, or respecting any other Matters relating thereto, and all Provisions, Proceedings, Penalties, Forfeitures, and Punishments therein contained or directed, and not repugnant or contradictory to the Provisions of this Act, shall be and continue in full Force and Effect, and shall be applied and put in execution with respect to the Silver Coin to be coined or issued in pursuance of the Provisions of this Act, as fully and effectually to all Intents and Purposes whatsoever as if the same were repeated and re-enacted in this Act.

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# VICTORIÆ REGINÆ.

## CAP. XLII.

### An Act to provide for the Execution for One Year of the Office of Sheriff in the County of *Westmoreland*. [13th *July* 1849.]

WHEREAS *Henry* Earl of *Thanet*, deceased, was in his Lifetime and at the Time of his Death Hereditary High Sheriff of the County of *Westmoreland*: And whereas the said *Henry* Earl of *Thanet* died on or about the Twelfth Day of *June* in the Year of our Lord One thousand eight hundred and forty-nine, without Issue: And whereas it is alleged that he first duly made and published his last Will and Testament in Writing, bearing Date the Twenty-first Day of *December* One thousand eight hundred and forty-eight, and duly executed the same, whereby the said *Henry* Earl of *Thanet* devised and bequeathed the said Office of Sheriff to one *Richard Tufton* for Life, with divers Remainders over: And whereas Doubts have arisen whether the said Office of Sheriff passed by the said Will, or whether the same became on the Death of the said *Henry* Earl of *Thanet* vested in his Heir or Heiress at Law, or whether the same became escheated to the Crown; and such Doubts and Rights cannot conveniently be settled and ascertained within the Time necessary for executing and performing the said Office of Sheriff within the said County: And whereas it is necessary, for the Administration

tration of Justice within the said County of *Westmoreland*, that a Sheriff for the said County should forthwith be appointed until such Doubts and Rights shall be settled and ascertained: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall and may be lawful for the Queen's most Excellent Majesty, from and after the passing of this Act, to nominate and to appoint, in such Manner and Form as is provided by an Act passed in the Third and Fourth Years of the Reign of King *William* the Fourth, for, amongst other things, "facilitating the Appointment of Sheriffs," such Person to be Sheriff for One Year of the County of *Westmoreland* as She shall by the Advice of Her Council think fit; and such Person so to be nominated and appointed shall hold, use, and execute the said Office of Sheriff within the said County of *Westmoreland* during One Year from the Date of such Appointment, or for any shorter Period, in case Her said Majesty shall by an Order in Council so order and direct, and upon taking the Oath of Office by the said Act prescribed shall from thenceforth have and exercise all Powers, Privileges, and Authorities whatsoever hitherto usually exercised and enjoyed by the Sheriff of the County of *Westmoreland*, or any other Sheriff, now or heretofore appointed under and by virtue of the said Act, and shall be subject to the same Duties and Liabilities as the Sheriff of the County of *Westmoreland* has hitherto been subject and liable to, and to all the Liabilities imposed upon Sheriffs in *England* and *Wales* by the said recited Act.

Power to Her Majesty to appoint a Sheriff for One Year for the County of Westmoreland in manner provided by 3 & 4 W. 4 c. 99.

II. And be it further enacted, That it shall and may be lawful to and for Her said Majesty, by any Order in Council to be hereafter made, to order and direct that from and after a certain Day to be therein named all the Powers, Authorities, Rights, Privileges, and Liabilities by the said recited Act or this Act conferred or imposed upon the said Person so to be nominated and appointed as aforesaid shall from and after such Day cease and determine, save and except that the said Sheriff so to be nominated and appointed as aforesaid shall be liable and amenable to all such Suits, Actions, and Proceedings, and to make all such Returns, as any other Sheriff for any other County of *England* or *Wales* is now subject or liable to.

Her Majesty may order, from and after a certain Day, that all Powers, &c. conferred shall cease, save that the Sheriff shall be liable to all Suits, and to make Returns.

III. Provided always, That, subject only to the Power by this Act professed to be given to Her Majesty to appoint a Person to the Office of Sheriff of the County of *Westmoreland* for One Year as aforesaid, nothing herein contained shall prejudice or affect any Title in Her Majesty, Her Heirs or Successors, in respect of the said Office, or

Nothing herein to prejudice the Rights of Her Majesty, nor of other Persons.

or the Title, Rights, or Interests of any Person or Persons claiming or to claim, by Descent, Devise, or otherwise, the said Office of Sheriff of the County of *Westmoreland.*

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# VICTORIÆ REGINÆ.

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Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to make Articles of War for the better Government of the *East India* Company's Forces, and from Time to Time to renew, alter, add to, or amend the same, as to Her Majesty shall appear fit, and all Articles of War to be so made shall be judicially taken notice of by all Judges and in all Courts whatsoever, and Copies of the same, printed by the Queen's Printer, shall, as soon as conveniently may be after the same shall have been made and established by Her Majesty, be transmitted by Her Majesty's Secretary at War to the Judges of Her Majesty's Superior Courts at *Westminster*, *Dublin*, *Edinburgh*, and in *India* respectively, and also to the Governors of Her Majesty's Dominions abroad and of the Territories under the Government of the said Company; provided that no Person within the Territories which are or may be under the Government of the said Company, and within One hundred and twenty Miles Distance from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, shall by such Articles of War be subject to be transported as a Felon, or be subject to any Punishment extending to Life or Limb, except for Crimes or Offences which are by this Act expressly made liable to such Transportation or to such Punishment as aforesaid, nor shall be subject, with reference to any Crimes made punishable by this Act, to be punished in any Manner which shall not accord with the Provisions of this Act; provided also, that nothing in this Act contained shall in any Manner impeach or affect any Articles of War or other Matters made, enacted, or in force, or which hereafter may be made or enacted or in force, under the Authority of the Government of *India*, respecting Officers or Soldiers being Natives of the *East Indies* or other Places within the Limits of the said Company's Charter; and that on the Trial of all Offences committed by any Native Officer or Soldier, or Follower, Reference shall be had to the Articles of War framed by the Government of *India* for such Native Officers, Soldiers, or Followers, and to the established Usages of the Service.

The Queen may make Articles of War, of which all Courts shall take judicial Notice, and Copies to be transmitted to Judges and Governors.

Trial of Native Officer or Soldier.

II. And be it enacted, That the Provisions of this Act shall apply to all Persons belonging to any of the Forces of the *East India* Company who are or shall be commissioned or in Pay as Officers, or who are or shall be listed or in Pay as Non-commissioned Officers or Soldiers, or who are or shall be serving or hired to be employed in the Artillery or any of the Trains of Artillery, or as Master Gunners or Gunners, or as Conductors of Stores, or who are or shall be serving in the Department of Engineers, or in the Corps of Sappers and Miners or Pioneers, or as Military Surveyors or Draftsmen, or in the

Persons subject to this Act.

the Ordnance and Commissariat Departments, and to all Storekeepers and other Civil Officers employed under the Ordnance, and to all Apothecaries, Veterinary Surgeons, Medical Storekeepers, Hospital Stewards, and others serving in the Medical Department of the said Forces, and to all licensed Sutlers and Followers in or of any of the said Forces, and that all such Persons shall be at all Times subject to all the Penalties and Punishments mentioned in this Act, and shall in all respects whatsoever be holden to be within the Intent and Meaning of every Part of this Act.

For the Purposes of this Act, the Presidency of Fort William to comprise that of Agra.

III. And be it enacted, That for the Purposes of this Act, and of any Articles of War to be made under the same the Presidency of *Fort William* in *Bengal* shall be deemed and taken to comprise under and within it all the Territories which by Law are divisible between the Presidencies of *Fort William* in *Bengal* and *Agra* respectively, and such Territories shall for all the Purposes aforesaid be taken to be the Presidency of *Fort William* in *Bengal*.

Officers, &c. raised or serving in Places occupied by Persons subject to the Government of the Company liable to the same Law as Company's other Forces.

IV. And be it enacted, That all Officers and Soldiers of any Troops, being mustered and in Pay, which shall be raised and serving in any of the Possessions or Territories which are or may be under the Government of the said Company, or in Places in possession of or occupied by Persons subject to the Government of the said Company, or by any Forces of the said Company, and being under the Command of any Officer having a Commission immediately from the Government of any of the Presidencies of the said Company, shall be liable to Martial Law, in like Manner as the Company's other Forces are.

After Embarkation all Officers and Soldiers subject to Provisions of this Act.

V. And be it enacted, That all Officers and Soldiers who shall be enlisted in or transferred to the Service of the said Company, and all Officers in the said Company's Service who may proceed in charge of or be appointed to do Duty with such enlisted or transferred Officers and Soldiers, shall from and after their Embarkation to go abroad to such Place whereto they shall be sent in the Service of the said Company be during their Passage subject to all the Provisions and Regulations of this Act, and to all such Provisions and Regulations as Officers and Soldiers in the Pay of the said Company shall from Time to Time be subject to at the Garrison or Place to which such Officers and Soldiers shall be sent; and in all Cases in which it may happen that Offences shall be committed by the said Officers and Soldiers after their Embarkation, and before their Arrival at their Place of Destination abroad, which cannot be tried and punished during their Passage in such Manner as such

Offences committed during Passage cognizable after Arrival.

Offences

Offences ought to be tried and punished, every such Officer or Soldier may and shall after his Arrival at his Place of Destination abroad be tried and punished for every Offence committed after his Embarkation and before his Arrival, in the same Manner as he would have been liable to be tried and punished if such Offence had been committed in any Place where the Offender might have been tried by Court-martial held under the Authority of this Act.

**Commanders in Chief at the several Presidencies empowered to convene Courts-martial.**

VI. And be it enacted, That for the Purpose of bringing Offenders to Justice it shall be lawful for the General or other Officer commanding in chief the Forces in *India*, or the Forces within the Presidency of *Fort William*, and also for each of the Generals or other Officers respectively commanding in chief the Forces within the Presidencies of *Fort Saint George* and *Bombay* respectively, from Time to Time, as Occasion may require, to convene Courts-martial for the Trial of any Officer or Soldier under his Command who is or shall be charged with any Offence liable to be tried by Court-martial, whether such Offence shall have been committed before or after such Officer shall have taken upon himself such Command; and it shall also be lawful for each of the said Officers commanding in chief respectively to direct his Warrant to any Officer, not under the Degree of a Field Officer, having the Command of any Body of Forces, authorizing him to convene Courts-martial for the Trial of Offences committed by any Officer or Soldier under his Command, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command; and it shall also be lawful for each of the said Officers commanding in chief respectively, when and as often as any Sentence is given and passed by a Court-martial, legally constituted, upon any Officer or Soldier under his Command, to confirm such Sentence, and to cause the same to be put into execution, or to suspend, mitigate, or remit the same; and it shall also be lawful for each of the said Officers commanding in chief respectively to give his Warrant to any Officer, not under the Degree of a Field Officer, having the Command of any Body of Forces, to confirm Sentences of Courts-martial passed upon Officers or Soldiers under the Command of the Officer to whom such Warrant shall be given (always excepting in any such Warrant the Confirmation of any Sentence of Death, Transportation, or Cashiering, upon any Commissioned Officer), and to cause the same to be put into execution, or to suspend, mitigate, or remit the same; and the said Officers commanding in chief respectively may (where they shall think fit) authorize any such Officer to confirm any such Classes of Sentences only, or Sentences passed for any such Class of Offences only, or on any such Classes of Persons only, as they may think fit; and

and it shall also be lawful for Her Majesty to grant Commissions or Warrants under the Royal Sign Manual to any General or other Officer having the Command of any Body of Forces, as well in the Possessions or Territories which are or may be under the Government of the *East India* Company as elsewhere, for convening Courts-martial, and for authorizing any Officer under their respective Commands to convene Courts-martial, as Occasion may require, for the Trial of Offences committed by any of the Forces under their several Commands, whether the same shall have been committed before or after such Officer shall have taken upon himself such Command, the Officer so authorized not being, however, below the Degree of a Field Officer; and any Person subject to the Provisions of this Act who shall in any Part of Her Majesty's Dominions, or the Territories under the Government of the *East India* Company, or elsewhere, commit any Offence for which he may be liable to be tried by Court-martial, may be tried and punished for the same in any Part of the Territories which are or may be under the Government of the said Company, or elsewhere, where he may have come after the Commission of the Offence, in the same Manner as if the Offence had been committed where such Trial shall take place.

The Queen may grant Commissions or Warrants for convening of Courts-martial for trying Offences against Articles of War.

VII. And be it enacted, That all General Courts-martial held under the Authority of this Act shall consist of not less than Thirteen Commissioned Officers (except in Cases where the same shall be holden in any Place out of Her Majesty's Dominions and of the Territories which are or may be under the Government of the said Company, or where the same shall be holden in any *African* Colony, the *Australian* Colonies, the Settlements on the Coast of *China*, *Prince of Wales Island*, *Singapore*, or *Malacca*, in which Cases such General Courts-martial may consist of any Number not less than Five), and shall have Power to sentence any Officer or Soldier to suffer Death, Transportation, or any other Punishment which shall accord with the Provisions of this Act.

Composition and Constitution of General Courts-martial.

VIII. And be it enacted, That a District or Garrison Court-martial shall consist of not less than Five Commissioned Officers, and such Court-martial shall have the same Power as a General Court-martial to sentence any Soldier to such Punishments as shall accord with the Provisions of this Act; provided that such Court-martial shall not have Power to try a Commissioned Officer, nor to pass any Sentence of Death or Transportation.

Composition and Powers of District or Garrison Courts-martial.

IX. And be it enacted, That a Regimental or Detachment Court-martial shall consist of not less than Five Officers, unless it is found

Regimental and Detachment Courts-martial.



to

to be impracticable to assemble that Number, when Three may be sufficient, and shall have Power to sentence any Soldier to Corporal Punishment, to Imprisonment, and to Forfeiture of Pay, in such Manner as shall accord with the Provisions of this Act.

Courts-martial on Line of March or in Troop Ships.

X. And be it enacted, That in Cases of Mutiny and gross Insubordination or other Offences committed on the Line of March or on board any Ship or Vessel the Offence may be tried by a Regimental or Detachment Court-martial, and the Sentence confirmed and carried into execution on the Spot by the Officer in the immediate Command of the Troops; provided the Sentence shall not exceed that which a Regimental Court-martial is competent to award.

Officers in command of Troops in Foreign Countries not in alliance with the East India Company may assemble Courts-martial.

XI. And be it enacted, That it shall be lawful for any Officer commanding any distinct Detachment or Portion of the said Company's Troops which may at any Time be serving in any Place out of Her Majesty's Dominions and of the Possessions or Territories which are or may be under the Government of the said Company, upon Complaint made to him of any Offence committed against the Property or Person of any Inhabitant of or Resident of any such Countries, by any Person serving with or belonging to the Company's Army being under the immediate Command of any such Officer, to convene a Detachment General Court-martial, which shall consist of not less than Three Officers, for the Purpose of trying any such Person; and every such Court-martial shall have the same Powers in regard to Sentence upon Offenders as are granted by this Act to General Courts-martial: Provided always, that no Sentence of any such Court-martial shall be executed until the General commanding the Army to which the Division, Brigade, Detachment, or Party to which any Person so tried, convicted, and adjudged to suffer Punishment shall belong shall have approved and confirmed the same.

Proceedings on Mixed Courts-martial how to be regulated.

XII. And be it enacted, That, where necessary or expedient, Officers of Her Majesty's Land Forces, or Officers of Her Majesty's Royal Marines, or Officers of both such Services, may sit on Courts-martial together with Officers in the Service of the *East India* Company; and where the Person to be tried shall belong to Her Majesty's Land Forces, then the Proceedings of the Court shall be regulated to all Intents and Purposes as if the Court was composed of Officers of Her Majesty's Land Forces only, and the Provisions of the Act which shall exist at the Time for the Punishment of Mutiny and Desertion in Her Majesty's Forces shall be applicable to the Proceedings of such Court; and where the Person to be tried shall be in the Service of the *East India* Company the Provisions of this Act

Act shall be applicable, notwithstanding any Officer, though in the actual Service of the said Company, may hold a Commission from Her Majesty or any of Her Royal Predecessors; and where it shall happen that Officers in the Service of the said Company cannot conveniently be had to compose the whole or Part of a Court-martial, then any Officer or Soldier or Person subject to the Provisions of this Act may be tried by a Court-martial composed of Officers in Her Majesty's Service alone: Provided always, that the Officer convening such Court-martial shall specify in his Warrant or Order convening the Court that no Officer in the Service of the said Company could be conveniently had.

Courts-martial in some Cases may be wholly composed of Queen's Officers.

XIII. And be it enacted, That the President of every Court-martial shall be appointed by the Authority convening such Court, and shall in no Case be the Officer commanding in chief or Governor of the Garrison where the Offender shall be tried, nor Commander of the Regiment, or Body of Troops composed of Detachments of different Regiments, to which the Prisoner belongs, nor, in the Case of a General Court-martial, under the Degree of a Field Officer, unless a Field Officer cannot be had, nor in any Case whatever under the Degree of a Captain, save in the Case of a Detachment General Court-martial holden in the Countries of Foreign Powers, or of a Regimental or Detachment Court-martial holden on the Line of March, or on board any Ship or Vessel, or on any Foreign Station, where a Captain cannot be had; and it shall be lawful for any Officer by whom any Court-martial shall be convened (where it may be necessary so to do) to authorize some fit Person to execute the Office of Judge Advocate at and for the Purpose of such Court-martial.

President of Court-martial.

XIV. And be it enacted, That in all Trials by Courts-martial to be held by virtue of this Act, as soon as the President and other Officers appointed to serve thereon shall be assembled, their Names shall be read over in the Hearing of the Prisoner, who shall thereupon be asked if he objects to being tried by the President, or by any of such Officers; and if the Prisoner shall then object to the President, such Objection shall be referred to the Decision of the Authority by whom such President shall have been appointed; but if he object to any Officer other than the President, such Objection shall be decided by the President and the other Officers appointed to form the Court; and when the Place of the President or of any other Officer in respect of whom any Challenge shall have been made and allowed shall be supplied by some Officer in respect of whom no Challenge shall have been made and allowed, or if no Challenge shall have been made, or, if made, not allowed, the President and the other Officers composing the

Proceedings at Trial.

the Court shall take the Oath in the Schedule to this Act annexed before the Judge Advocate or his Deputy, or Person officiating as such, or before the President of such Court, who are hereby respectively authorized to administer the same; and any sworn Member may administer the Oath to the President; and as soon as the said Oaths shall have been administered to the respective Members, the President of the Court is hereby authorized and required to administer to the Judge Advocate, or the Person officiating as such, the Oath in the Schedule to this Act annexed; and no Proceeding or Trial shall be had upon any Offence but during seasonable and convenient Hours of the Day, to be appointed by the Officer commanding where the Court-martial is held, except in Cases which require an immediate Example.

**Swearing and summoning Witnesses.**

XV. And be it enacted, That all General and other Courts-martial shall have Power and Authority and are hereby required to administer an Oath, or, in case of Natives of *India*, an Oath or solemn Declaration, as Circumstances may require, to every Witness or other Person who shall be examined before such Court in any Matter relating to any Proceeding before the same; and every Person, as well Civil as Military, who may be required to give or produce Evidence before a Court-martial, shall, in the Case of General Courts-martial, be summoned by the Judge Advocate General or his Deputy, or the Person officiating as such, and in the Case of all other Courts-martial, by the President of the Court; and all Persons so summoned and attending as Witnesses before any Court-martial shall during their necessary Attendance in or on such Courts, and in going to and returning from the same, be privileged from Arrest, and shall, if unduly arrested, be discharged by such Court-martial, or by any Court of Law, or Judge of any such Court, according as the Case shall require, upon its being made to appear to such Court-martial, Court of Law, or Judge, by Affidavit, in a summary Way, that such Witness was arrested in going to or returning from or attending upon such Court-martial; and all Witnesses so duly summoned as aforesaid who shall not attend on such Courts, or attending to be sworn, or being sworn, shall refuse to give Evidence, or not produce the Documents under their Power or Control required to be produced by them, or refuse to answer all such Questions as the Court may legally demand of them, shall be liable to be attached in any Court of Justice, upon Complaint made, in like Manner as if such Witness, after having been duly summoned or subpœnaed, had neglected to attend on a Trial in any Proceeding in the Court in which Complaint shall be made.

XVI. And

Previous Convictions to be put in Evidence.

XVI. And be it enacted, That after a Prisoner has been found guilty of any Charge or Charges the Court before which any such Prisoner shall have been tried may, before passing Sentence on such Prisoner, and for the Purpose only of affixing Punishment, receive in Evidence against him any previous Convictions by any Courts-martial, and in like Manner and for the like Purpose the Court shall receive in Evidence any previous Conviction of such Prisoner by a Court of ordinary Criminal Jurisdiction, where the Offence charged in the Indictment was of a felonious, fraudulent, or unnatural Nature; and in the Case of Convictions by Courts-martial a Certificate which shall purport to contain a Copy of the Charges, Finding, and Sentence of the Court, and of the Minute of the Infliction or Remission of all or any Part of such Sentence, made from the original Minutes of such Court, or from the Court-martial Book, and which shall further purport to be signed by the Judge Advocate General or by his Deputy, or by the Officer officiating as such, or by the Officer confirming the Proceedings, or by any competent Staff Officer, in case such Copy be taken from the original Minutes, or by the Commanding Officer, Adjutant, or other Officer having the Custody of the Court-martial Book, in case such Copy be taken from the said Book, shall be sufficient Evidence of such Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such Certificate, nor, if the Court be satisfied from all the Circumstances of the Case that the Prisoner under Trial is the Person mentioned in any such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender; and in the Case of a Conviction by a Court of ordinary Criminal Jurisdiction, any Certificate transmitted to the Officer commanding a Regiment by the Clerk of any such Court, or other Officer having Custody of the Records of such Court, or the Deputy of such Clerk or of such other Officer, containing the Substance and Effect of any Indictment, omitting the formal Part, together with the Judgment of the Court thereon, and purporting to be signed by such Clerk or other Officer, or by the Deputy of such Clerk or other Officer, shall be sufficient Evidence of such last-mentioned Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed such last-mentioned Certificate, nor, if the Court be satisfied, from all the Circumstances of the Case, that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender: Provided always, that before any such Evidence shall be received it shall be proved to the Satisfaction of the Court that the said Prisoner had previously to his Trial received Notice of the Intention to produce such Evidence against him; and provided also, that the Court shall in no Case award to him any other Punishment or Punishments than

may by this Act and by the Articles of War for the Government of the *East India* Company's Forces be awarded for the Offence of which he shall have been so found guilty.

Report of Proceedings of General and District Courts-martial.

XVII. And be it enacted, That every Judge Advocate or Person officiating as such at a General Court-martial, and the President of every District or Garrison Court-martial, shall transmit, with as much Expedition as the Opportunity of Time and Distance of Place will admit, the original Proceedings and the Sentence of such Court-martial to the Judge Advocate General of the Army in which such Court-martial shall be held, in whose Office they are to be carefully preserved; and any Person tried by a General Court-martial, or any Person in his Behalf, shall be entitled, on Demand, to a Copy of such Sentence and Proceedings (paying reasonably for the same), whether such Sentence shall be approved or not, at any Time not sooner than Three Months, if the Trial took place on the Continent of *India*, or Six Months if beyond Seas; provided that such Demand as aforesaid shall have been made within the Space of Three Years from the Date of the Approval or other final Decision upon the Proceedings before such General Court-martial.

No Second Trial to be had for the same Offence, and no Revision more than once.

XVIII. And be it enacted, That no Officer or Soldier, being acquitted or convicted of any Offence, shall be liable to be tried a Second Time by the same or any other Court-martial for the same Offence; and that no Finding, Opinion, or Sentence given by any Court-martial, and signed by the President thereof, shall be liable to be revised more than once, nor shall any additional Evidence be received by the Court on any Revision.

Crimes punishable with Death.

XIX. And be it enacted, That if any Person subject to this Act shall at any Time during the Continuance of this Act begin, excite, cause, or join in any Mutiny or Sedition in the Land or Marine Forces of Her Majesty or of the said Company, or shall not use his utmost Endeavours to suppress the same, or, coming to the Knowledge of any Mutiny or intended Mutiny, shall not without Delay give Information thereof to his Commanding Officer, or shall correspond with or give Advice or Intelligence to any Rebel or Enemy of Her Majesty or of the *East India* Company, either by Letters, Messages, Signs, or Tokens, in any Manner or Way whatsoever, or shall relieve with Money, Victuals, or Ammunition, or knowingly harbour or protect, any such Rebel or Enemy, or shall treat or enter into any Terms with such Rebel or Enemy without the Licence of the said Company or of the said Company's Governor General in Council, or of the Governor in Council at One of the Presidencies, or of the General or Chief Commander, or shall cast

cast away his Arms or Ammunition or otherwise misbehave himself before the Enemy, or shall shamefully abandon or deliver up any Garrison, Fortress, Post, or Guard committed to his Charge or which he shall be commanded to defend, or shall compel the Governor or Commanding Officer of any Garrison, Fortress, Post, or Guard to deliver up to the Enemy or to abandon the same, or shall speak Words or use any other Means to induce such Governor or Commanding Officer or others to misbehave before the Enemy, or shamefully to abandon or deliver up any Garrison, Fortress, Post, or Guard committed to their respective Charge, or which he or they shall be commanded to defend, or shall desert the said Company's Service, or shall leave his Commanding Officer, or his Post or Colours, to go in search of Plunder, or shall leave his Post before relieved, or shall be found sleeping on his Post, or shall treacherously make known the Watchword, or shall intentionally occasion false Alarms in Action, Camp, Garrison, or Quarters, or shall do Violence to any Person bringing Provisions or other Necessaries to the Quarters of the Forces, or shall force a Safeguard, or shall break or enter into any House or Store or Cellar, or other Place, for Plunder, or shall strike, or shall draw or offer to draw or lift up any Weapon, or use or offer any Violence, against his superior Officer, being in the Execution of his Office, or shall disobey any lawful Command of his Superior Officer, or who, being confined in a Military Prison, shall offer any Violence against a Visitor or other Officer being in the Execution of his Office, all and every Person and Persons so offending in any of the Matters before mentioned, whether such Offence shall be committed within the Dominions of Her Majesty or the Territories which are or may be under the Government of the said Company, or in Foreign Parts, and whether upon Land or upon the Sea, shall suffer Death, or such other Punishment as by a Court-martial shall be awarded.

**Judgment of Death.**

XX. And be it enacted, That no Judgment of Death by a Court-martial shall pass unless Two Thirds at least of the Officers present shall concur therein.

**Commutation of Death for Transportation.**

XXI. And be it enacted That whensoever any Court-martial by which any Soldier shall have been tried and convicted of any Offence punishable with Death shall not think the Offence deserving of Capital Punishment, such Court-martial may adjudge the Offender, according to the Degree of the Offence, to be transported as a Felon for Life or for a certain Term of Years, or may sentence him to general Service as a Soldier in the said Company's Forces, and in any Country or Place (such Country or Place being within the Limits of the said Company's Charter and under the said Company's Government)

ment) which the Officer commanding in chief the Forces with which the Offender may have been serving at or previously to the Time of the Offence shall thereupon direct, or may, if such Offender shall have enlisted for a limited Term of Years, sentence him to serve for Life as a Soldier in any Corps of the said Company's Forces which the Officer commanding in chief as aforesaid shall direct; provided, that in all Cases where a Capital Punishment shall have been awarded by a Court-martial it shall be lawful for the Commanding Officer having Authority to confirm the Sentence, instead of causing such Sentence to be carried into execution, to order the Offender to be transported as a Felon, either for Life or for a certain Term of Years, as shall seem meet to such Officer.

Embezzlement punished by Transportation.

XXII. And be it enacted, That every Paymaster or other Commissioned Officer, or any Person employed in the Ordnance or Commissariat Department, or in any Manner in the Care or Distribution of any Money, Provisions, Forage, or Stores, who shall embezzle or fraudulently misapply, damage, or be concerned in or connive at the Embezzlement, fraudulent Misapplication, or Damage of any Money, Provisions, Forage, Arms, Clothing, Ammunition, or other Military Stores belonging to the *East India* Company, or for the Use of the *East India* Company's Forces or Her Majesty's Forces, may be tried for the same by a General Court-martial, which may adjudge any such Offender to be transported as a Felon for Life or for any certain Term of Years, or to suffer such Punishment of Fine, Imprisonment, Dismissal from the *East India* Company's Service, and Incapacity of serving the *East India* Company or Her Majesty in any Office, Civil or Military, as such Court shall think fit, according to the Nature or Degree of the Offence, and every such Offender shall, in addition to any other Punishment, make good at his own Expense the Loss and Damage sustained which shall have been ascertained by such Court-martial, and in every such Case the Court is required to ascertain by Evidence the Amount of the Loss or Damage incurred, and to declare by their Sentence that such Amount shall be made good by such Offender, and the Loss and Damage, so ascertained as aforesaid, shall be a Debt to the *East India* Company, and may be recovered accordingly in any of the Courts of Law in the *East Indies*, or any of Her Majesty's Courts at *Westminster* or in *Dublin*, or the Court of Exchequer in *Scotland*, or in any Court in Her Majesty's Colonies where the Person sentenced by such Court-martial shall be resident, after the said Judgment shall be confirmed and made known; and every Officer sentenced to be transported as a Felon, when such Sentence shall be duly confirmed, shall thereupon cease to belong to the *East India* Company's Service, and forfeit any Commission held from Her Majesty, and for ever be incapable of

of serving the said Company or Her Majesty in any Military Capacity.

Execution of Sentences of Transportation.

XXIII. And be it enacted, That Her Majesty may, by any Order or Orders to be by Her from Time to Time made with the Advice of Her Privy Council, appoint, or by any such Order or Orders in Council authorize the Governor General of *India* in Council and the Governor in Council of *Fort Saint George* and *Bombay* respectively to appoint, any Place or Places beyond the Seas within Her Majesty's Dominions to which Felons and other Offenders may be conveyed; and that when any such Offender shall be about to be transported from any of the said Presidencies to a Place of Transportation, the Governor of such Presidency shall give Orders for his intermediate Custody and Removal to the Ship to be employed for his Transportation, and shall empower some Person to make a Contract for the effectual Transportation of the Offender to the Place so appointed, and shall direct Security to be given for such Transportation.

Transports to be subject to the Convict Laws of the Place of Transportation.

XXIV. And be it enacted, That every Offender who shall be transported as aforesaid shall undergo the Sentence of Transportation which has been passed upon him in the Colony or Place to which he shall be removed or sent, and whilst such Sentence shall remain in force shall be liable to be there imprisoned and kept to hard Labour, and otherwise dealt with under such Sentence, in the same Manner as if he had been sentenced to be imprisoned with hard Labour during the Term of his Transportation by the Judgment of a Court of competent Jurisdiction in the Colony or Place to which he has been so removed or sent.

Power to inflict Corporal Punishment.

XXV. And be it enacted, That any Court-martial may sentence any Soldier to Corporal Punishment, not extending to Life or Limb, for Immorality, Misbehaviour, or Neglect of Duty; provided that no such Sentence of Corporal Punishment exceed Fifty Lashes.

Power to inflict Corporal Punishment and Imprisonment.

XXVI. And be it enacted, That it shall be lawful for any General, District, or Garrison Court-martial, in addition to any Sentence of Corporal Punishment, or without such Sentence, to award Imprisonment, with or without hard Labour.

Power to commute Corporal Punishment.

XXVII. And be it enacted, That in all Cases in which Corporal Punishment shall form the whole or any Part of the Sentence awarded by any Court-martial, it shall be lawful for the General or other Officer authorized to confirm the Sentences of Courts-martial to commute such Corporal Punishment to Imprisonment, either solitary or otherwise, and either with or without hard Labour, for any Period not

 exceeding

exceeding Forty-two Days; provided that such Commutation of Punishment to solitary Confinement shall in no Case exceed the Period herein-after prescribed.

Forfeiture of Pay and Pension by Sentence of Court-martial.

XXVIII. And be it enacted, That any General Court-martial may, in addition to any other Punishment which it may be competent to award, sentence any Offender to Forfeiture of all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, or to Forfeiture of such Advantage absolutely, whether it might have accrued from past Service, or might accrue from future Service, according to the Nature of the Case; and that any District or Garrison Court-martial may also, in addition to any Sentence which such Court may award, sentence any Offender to such Forfeiture for Desertion or for disgraceful Conduct,

In wilfully maiming or injuring himself or any other Soldier, whether at the Instance of such other Soldier or not, with Intent to render himself or such other Soldier unfit for Service;

In tampering with his Eyes, with Intent thereby to render himself unfit for Service;

In wilfully doing any Act, or wilfully disobeying any Orders, whether in Hospital or otherwise, thereby producing or aggravating any Disease or Infirmity, or delaying his Cure;

In malingering or feigning Disease;

In stealing or embezzling Stores the Property of the *East India* Company or of the Crown, or in receiving them knowing them to have been stolen;

In stealing any Money or Goods the Property of a Comrade, of a Military Officer, or of any Military or Regimental Mess or Band, or in receiving any such Money or Goods knowing the same to have been stolen;

In making any false or fraudulent Accounts, Returns, Matters, or Entries, or assisting or conniving at the same being made, or producing the same as true, knowing the same to be false or fraudulent;

In stealing or embezzling or fraudulently misapplying Money intrusted to him belonging either to the *East India* Company or to the Crown;

Or in committing any Offence of a felonious or fraudulent Nature, to the Injury of or with Intent to injure any Person, Civil or Military;

Or for any other disgraceful Conduct, being of a cruel, indecent, or unnatural Kind.

XXIX. And

XXIX. And be it enacted, That every Soldier who shall be found guilty of Desertion by a Court-martial, such Finding having been duly approved, or of Felony by any Court of ordinary Criminal Jurisdiction, or of any Crime or Offence by any Court of Criminal Jurisdiction in the United Kingdom, or in any Dominion, Territory, Colony, Settlement, or Island belonging to or occupied by Her Majesty or the *East India* Company, or by a Court-martial, which would if committed in the United Kingdom amount to Felony, shall thereupon forfeit all Advantage as to additional Pay, Good-conduct Pay, and Pension on Discharge, which might have otherwise accrued from the Length of his former Service, in addition to any Punishment which such Court may award.

Forfeiture of Pay on Conviction of Desertion or Felony.

XXX. And be it enacted, That if any Non-commissioned Officer or Soldier, by reason of his Imprisonment, whether under Sentence of a Court-martial or of any other Court duly authorized to pass such Sentence, or by reason of his Confinement for Debt, or by reason of his Desertion, or, being an Apprentice, by reason of his being allowed to serve out his Time with his Master, shall have been absent from his Duty during any Portion of the Time limited by his Enlistment or Re-engagement, or Prolongation of Service, such Portion of his Time shall not be reckoned as a Part of the limited Service for which such Non-commissioned Officer or Soldier was enlisted or re-engaged, or for which his Term of Service may have been prolonged; and no Soldier shall be entitled to Pay, or to reckon Service towards Pay or Pension, when in Confinement under a Sentence of any Court, or during any Absence from Duty by Commitment or Confinement under any Charge of which he shall be afterwards convicted, either by Court-martial or by any Court of ordinary Criminal Jurisdiction, or whilst in Arrest for Debt; and that when any Soldier shall be absent as a Prisoner of War he shall not be entitled to Pay or to reckon Service towards Pay or Pension, for the Period of such Absence; but upon rejoining the Service due Inquiry shall be made by a Court-martial, and, unless it shall be proved to the Satisfaction of such Court that the said Soldier was taken Prisoner through wilful Neglect of Duty on his Part, or that he had served with or under or in some Manner aided the Enemy, or that he had not returned as soon as possible to the Service, he may thereupon be recommended by such Court to receive either the whole of such Arrears of Pay or a Proportion thereof, and to reckon Service during his Absence; and that any Soldier who shall be convicted of Desertion, or of Absence without Leave, shall, in addition to any Punishment awarded by the Court, forfeit his Pay for the Day or Days during which he was in a State of Desertion, or during his Absence without Leave; and if any Soldier shall absent himself without Leave for any Period not exceeding

Forfeiture of Pay when in Confinement under Sentence or during Absence or Commitment under a Charge;

or in Arrest for Debt;

or when Prisoner of War;

or when convicted of Desertion or of Absence without Leave, or when absent without Leave not exceeding Five Days.

exceeding Five Days, and shall not account for the same to the Satisfaction of the Commanding Officer, or if any Soldier shall be guilty of any other Offence which the Commanding Officer may not think necessary to bring before a Court-martial, the Commanding Officer may order that such Soldier shall be imprisoned for any Period not exceeding One hundred and sixty-eight Hours, with or without hard Labour, or with or without solitary Confinement, as the said Commanding Officer may think fit, and such Soldier shall forfeit his Pay for any Day or Days on which he may be so imprisoned; and the said Commanding Officer may moreover order, that, in addition to or instead of such Imprisonment and Forfeiture, or any other Punishment which he has Authority to inflict, any Soldier who shall have so absented himself as aforesaid shall forfeit his Pay for the Day or Days on which he shall have so absented himself, and in pursuance of any such Order as aforesaid the Pay of the Soldier shall be accordingly forfeited: Provided always, that such Soldier shall not be liable to be afterwards tried by a Court-martial for any Offence for which he shall have been so punished, or ordered to suffer Imprisonment, Punishment, or Forfeiture as aforesaid; provided also, that any Soldier who shall be so ordered to suffer Imprisonment or Forfeiture of Pay shall, if he so request, have a Right to be tried by a Court-martial for his Offence, instead of submitting to such Imprisonment or Forfeiture; provided also, that it shall be lawful for the Government under which any Soldier is serving to order or withhold the Payment of the whole or any Part of the Pay of any such Soldier during the Period of Absence by any of the Causes aforesaid.

**Forfeiture of Pay for Drunkenness on Duty.**

XXXI. And be it enacted, That any Court-martial may sentence any Soldier, for being drunk when on or for Duty or Parade or on the Line of March, to be deprived of One Penny or Eight Pice a Day of his Pay for any Period not exceeding Thirty Days, in addition to any other Punishment which such Court may award.

**Forfeiture of Pay and Liquor for habitual Drunkenness.**

XXXII. And be it enacted, That any General, Garrison, or District Court-martial before which any Soldier shall be convicted of habitual Drunkenness shall, in addition to any other Punishment which such Court is competent to award, deprive such Soldier of such Portion of his Pay, for such Period not exceeding Two Years, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War for the Company's Troops, subject to Restoration on subsequent good Conduct; and, in addition to any other Punishment which the Court may award, every Regimental or Detachment Court-martial shall deprive a Soldier convicted of a Charge of habitual Drunkenness of such Portion of his additional or regular Pay or Allowance, for such

such Period not exceeding Six Months, and under such Restrictions and Regulations, as may accord with Her Majesty's Articles of War for the Company's Troops, subject to Restoration on subsequent good Conduct: Provided always, that a Soldier so sentenced to the Forfeiture of Pay who shall be quartered at or removed to a Station where Liquor forms Part of his Ration, and is issued in Kind, shall be deprived of his Liquor in Kind, instead of being deprived of One Penny or Eight Pice of his daily Pay, for so long a Time as he shall remain at such Station and such Sentence of Forfeiture of Pay shall remain in force.

Stoppages.

XXXIII. And be it enacted, That, in addition to any other Punishment which the Court may award, a Court-martial may further direct that any Offender may be put under Stoppages until he shall have made good,

Any Loss or Damage occasioned by him in any of the Instances of disgraceful Conduct herein-before specified;

Any Loss or Destruction of or Damage or Injury to any Property whatsoever, occasioned by his wilful or negligent Misconduct;

Any Loss or Destruction of or Damage or Injury to his Horse, or to the Horse of any other Soldier, or to any Beast used in Indian Warfare, or any Loss or Destruction of or Damage or Injury to his Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries, or any Loss or Destruction of or Damage or Injury to the Arms, Clothing, Instruments, Equipments, Accoutrements, or Regimental Necessaries of any other Soldier, occasioned by his wilful or negligent Misconduct;

Any Expense necessarily incurred by his Drunkenness or other Misconduct:

Provided always, that, except in the Case of the Loss or Destruction of Accoutrements and Regimental Necessaries, in which Case the Court may by its Sentence direct that the said Stoppages shall continue till the Cost of replacing the same be made good, the Amount of any Loss, Destruction, Damage or Injury, or Expense, shall be ascertained by Evidence, and the Offender shall be placed under Stoppages for such an Amount only as shall be proved to the Satisfaction of the Court; provided also, that, after satisfying the Charges for his Messing and Washing, so much only of the Pay of the Soldier may be stopped and applied as shall leave him a Residue at the least of One Penny or Eight Pice a Day.

Discharge with Ignominy.

XXXIV. And be it enacted, That whenever any Soldier shall have been convicted of any such disgraceful Conduct as aforesaid, and the Court in respect thereof shall have made the Forfeiture of all Claim to Pension on Discharge a Part of the Sentence passed on such

Soldier, such Court may further recommend that he be discharged with Ignominy from the Service.

Marking Deserters.

XXXV. And be it enacted, That on the First and on every subsequent Conviction of Desertion the Court-martial, after awarding such Punishment as it may think fit, may order the Offender to be marked on the Left Side, Two Inches below the Armpit, with the Letter D, such Letter not to be less than an Inch long, and to be marked upon the Skin with some Ink or Gunpowder or other Preparation, so as to be visible and conspicuous, and not liable to be obliterated.

Power of Imprisonment by different Kinds of Courts-martial.

XXXVI. And be it enacted, That a General, Garrison, or District Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, and may also direct that such Offender shall be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, nor Eighty-four Days in any One Year, with Intervals between the Periods of solitary Confinement of not less Duration than such Periods; and that any Regimental or Detachment Court-martial may sentence any Soldier to Imprisonment, with or without hard Labour, for any Period not exceeding Forty-two Days, and may also direct that such Soldier may be kept in solitary Confinement for any Portion or Portions of such Imprisonment, not exceeding Fourteen Days at a Time, with an Interval between them of not less Duration than such Periods of solitary Confinement: Provided always, that when any Court-martial, whether General, Garrison, or District or Regimental, shall direct that the Imprisonment shall be solitary only, the Period shall in no Case exceed Fourteen Days.

Imprisonment of Offenders already under Sentence for previous Offence.

XXXVII. And be it enacted, That whenever Sentence shall be passed by a Court-martial on a Person already imprisoned under Sentence of a Court-martial for any former Offence, it shall be lawful for the Court to award Imprisonment for the subsequent Offence to commence at the Expiration of the Imprisonment to which such Person shall have been previously sentenced; and where such Person shall be already under Sentence either of Imprisonment or Transportation, the Court, if empowered to pass Sentence of Transportation, may award such Sentence for the subsequent Offence, to commence at the Expiration of the Imprisonment or Transportation to which such Person shall have been previously sentenced, although the aggregate of the Terms of Imprisonment or Transportation respectively may exceed the Term for which either of those Punishments would be otherwise awarded.

XXXVIII. And

XXXVIII. And be it enacted, That, save as herein-before specially provided, every Term of Imprisonment under the Sentence of a Court-martial, whether original or revised, shall be reckoned as commencing on the Day on which the original Sentence and Proceedings shall have been signed by the President. Term of Imprisonment.

XXXIX. And be it enacted, That the Place of Imprisonment under the Sentence of General Courts-martial shall be appointed by the Officer commanding in the District, Garrison, or Place, and, under the Sentence of any other Court-martial, shall be appointed by the Officer confirming the Proceedings of such Court-martial, and in default of such Appointment then the Place of Imprisonment shall be appointed by the Officer commanding the Regiment or Corps to which the Offender belongs or is attached. Place of Imprisonment.

XL. And be it enacted, That every Governor, Provost Marshal, Gaoler, or Keeper of any public Prison, House of Correction, or other Place of Confinement in any Part of the Territory under the Government of the *East India* Company, or of Her Majesty's Dominions, shall receive into his Custody any Military Offender under the Sentence of Imprisonment by a General or other Court-martial, upon Delivery to him of an Order in Writing in that Behalf from the Officer commanding the Regiment or Corps to which the Offender belongs or is attached, which Order shall specify the Period of Imprisonment which the Offender is to undergo, and the Day and Hour of the Day on which he is to be released; and such Governor, Provost Marshal, Gaoler, or Keeper shall keep such Offender in a proper Place of Confinement, with or without hard Labour, and with or without solitary Confinement, according to the Sentence of the Court, and during the Time specified in the said Order, or until he shall be discharged, or delivered over to Military Custody before the Expiration of that Time under an Order duly made for that Purpose. Keepers of Prisons to receive Military Offenders.

XLI. And be it enacted, That in the Case of a Prisoner undergoing Imprisonment under the Sentence of a Court-martial in any public Prison or Gaol or House of Correction, or other Place of Confinement, it shall be lawful for the Officer who confirmed the Proceedings, or for the Officer commanding in the District or Garrison or Place, to give, as often as Occasion may arise, an Order in Writing directing that the Prisoner be discharged, or be delivered over to Military Custody, whether for the Purpose of being removed to some other Prison or Place, there to undergo the Remainder or any Part of his Sentence, or for the Purpose of being brought before a Court-martial, either as a Witness or for Trial, or other Purpose, and such Orders as to Removal of Prisoners to be obeyed.

such Prisoner shall accordingly on the Production of such Order be discharged or be delivered over, as the Case may be: Provided always, that the Time during which any Prisoner under Sentence of Imprisonment by a Court-martial shall be detained in Military Custody shall be reckoned as Imprisonment under the Sentence, for whatever Purpose such Detention shall take place.

Diet of Prisoners.

XLII. And be it enacted, That the Gaoler or Person having the immediate Inspection of any Prison, Gaol, House of Correction, or other Place of Confinement shall diet and provide every Soldier imprisoned by the Sentence of a Court-martial, or as a Deserter, with Fuel and other Necessaries, according to the Regulations of such Place of Confinement, the Expense of which shall be paid in the same Manner as the other Expenses of such Prison, or as may be provided by any Laws or Regulations to be made in that Behalf.

Notice to be given of the Expiration of Imprisonment.

XLIII. And be it enacted, That every Gaoler or Person having the immediate Inspection of any public Prison, Gaol, House of Correction, or other Place of Confinement, to whom any Notice shall have been given, or who shall have Reason to believe or to know that any Person in his Custody for any Offence, Civil or Military, is a Soldier liable to serve the *East India* Company on the Expiration of his Imprisonment, shall give One Month's Notice of the Period of such Expiration of Imprisonment, or, if there shall not be a sufficient Time for a Month's Notice, then the longest practicable Notice thereof to the Adjutant General of the Army, or to the nearest Military Authority to whom such Notice may conveniently be given.

Musters and Punishment for false Musters.

XLIV. And be it enacted, That Musters shall be taken of every Regiment, Troop, or Company in the *East India* Company's Service at such Times as shall be appointed, and no Soldier shall be absent from such Musters, unless properly certified to be employed on some other Duty of the Regiment, or to be sick, or in Prison, or on Furlough; and every Officer who shall make any false or untrue Muster of Man or Beast, or shall wittingly or willingly allow or sign the Muster Roll wherein such false Muster is contained, or any Duplicate thereof, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, or shall knowingly muster any Person by a wrong Name, or shall give or procure to be given any untrue Certificate, whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, upon Proof thereof, upon Oath made by Two Witnesses before a General Court-martial, shall for such Offence be forthwith cashiered, and shall be thereby utterly disabled to have

or

or hold any Civil or Military Office or Employment within the Territories under the Government of the *East India* Company, or in the United Kingdom of *Great Britain* or *Ireland*, or in the Service of the said Company or of Her Majesty.

Trials for Desertion after subsequent Enlistment.

XLV. And be it enacted, That every Soldier shall be liable to be tried and punished for Desertion from any Corps into which he may have enlisted, or from the *East India* Company's Service, although he may of right belong to some Corps from which he shall originally have deserted; and that whether such Soldier shall be tried for deserting from the Corps into which he originally enlisted, or for deserting from the Corps into which he may have subsequently enlisted, or for any other Desertion, every Desertion previous or subsequent to that for which he may be so tried may, if duly stated in the Charges, be given in Evidence against him on such Trial.

Apprehension of Deserters.

XLVI. And be it enacted, That every Person who shall voluntarily deliver himself up and confess himself to be a Deserter from the *East India* Company's Forces, or who while serving in any of the said Company's Forces shall, to any Officer or Non-commissioned Officer thereof, confess himself to be a Deserter as aforesaid, or who, upon being apprehended for any Offence, shall, in the Presence of the Magistrate or of the Commanding Officer of the Place, confess himself to be a Deserter as aforesaid, shall be deemed to have been duly enlisted and to be a Soldier, and shall be liable to serve in any such Corps of the said Company's Forces as the Officer commanding in chief at any of the said Presidencies shall appoint, whether such Person shall have been actually enlisted as a Soldier or not, and he shall be liable to Punishment in the same Manner as if he had actually enlisted and had afterwards deserted.

Punishment for inducing or assisting in Desertion.

XLVII. And be it enacted, That any Person who shall by Words or by any other Means whatsoever, directly or indirectly procure any Soldier to desert, or shall, by Words or by any other Means whatsoever, attempt to procure or persuade any Soldier to desert, and any Person who, knowing that any Soldier is about to desert, shall aid or assist him in deserting, or, knowing any Soldier to be a Deserter, shall conceal such Deserter, or aid or assist such Deserter in concealing himself, shall be deemed guilty of a Misdemeanor, and shall on Conviction thereof be liable to be punished by Fine or Imprisonment, or both, as the Court before which such Conviction shall take place may adjudge.

Enlisting and attesting Recruits.

XLVIII. And be it enacted, That it shall be lawful for any Justices of the Peace within the Territories under the Government of the *East*

*India* Company, and for any Person holding the Office of *British* Resident, or performing the Duties of such Office, within the Territories of any Foreign State, to enlist and attest any Persons desirous of enlisting, or any Soldiers or others desirous of re-enlisting, into the Service of the said Company; and the said Justices of the Peace shall have the same Powers in that Behalf as by the Mutiny Act passed in the present Year for Her Majesty's Forces are given to Justices in the United Kingdom for the Purposes of Enlistment, and any Person so enlisted or re-enlisted shall be deemed to be an enlisted Soldier in the Service of the said Company.

Recruits concealing Infirmities punishable.

XLIX. And be it enacted, That any Person who shall enlist into the *East India* Company's Forces, and who shall be discovered to be incapable of active Service, or unfit for the Service for which he shall have been enlisted, by reason of any Infirmity which shall have been concealed by such Person or not declared at the Time of his Attestation, and mentioned at the Foot thereof, may be transferred into any Garrison or Veteran or Invalid Battalion or Company, or into any of the said Company's *European* Forces, or into Her Majesty's Land Forces or Marine Forces, notwithstanding he shall have enlisted for any particular Regiment or any particular Service, and shall be entitled to receive such Proportion or Residue of Bounty only as shall be allowed by the said Company by any Regulation made in that Behalf, in lieu and instead of the Bounty upon which such Man shall have been enlisted, anything in any Act or Acts or any Rules or Regulations relating to Soldiers to the contrary notwithstanding.

No Paymaster to receive Fees, or to make unusual Deductions out of Pay, or to detain Pay.

Punishment for so doing.

L. And be it enacted, That no Paymaster or other Person shall receive any Fees or make any Deductions whatsoever out of the Pay or Allowance of any Officer or Soldier in the *East India* Company's Service, or from their Agents, other than the usual Deductions or such other necessary Deductions as shall from Time to Time be required to be made, according to the Regulations of the Service; and every Paymaster or other Person having received any Officer's or Soldier's Pay and Allowances, who shall unlawfully detain the same for the Space of One Month, or refuse to pay the same when it shall become due, according to the several Rates and agreeably to the Regulations established by the Rules of the Service, shall, upon Proof thereof before a Court-martial, be discharged from his Employment, and shall forfeit One thousand Company's Rupees, and be liable to such further Punishment as shall by the Court-martial be awarded, One Moiety of such Fine to be paid to the Informer; and should such Informer be a Soldier, he shall, if he demand it, be discharged from any further Service: Provided always, that it shall be lawful for the Governor General in Council or the Governor in Council at the said Presidencies respectively

respectively to give Orders for withholding the Pay of any Officer or Soldier for any Period during which such Officer or Soldier shall be absent without Leave, or improperly absent from his Corps and from his Duty.

Penalty for procuring false Musters.

LI. And be it enacted, That every Person, not having any Military Commission, who shall give or procure to be given any untrue Certificate whereby to excuse any Soldier for his Absence from any Muster or any other Service which he ought to attend or perform, or who shall directly or indirectly take or cause to be taken any Money or Gratuity for mustering any Soldiers, or for signing any Muster Rolls or Duplicates thereof, shall forfeit for every such Offence the Sum of Five hundred Company's Rupees; and any Person who shall falsely be mustered or offer himself to be mustered, or lend or furnish any Horse or other Beast to be falsely mustered, shall, upon Oath made by Two Witnesses before some Magistrate residing near the Place where such Muster shall be made, forfeit the Sum of Two hundred Company's Rupees; and the Informer, if he belong to the Company's Service, shall, if he demand it, be forthwith discharged the said Service.

Penalty on purchasing Soldiers Necessaries, Stores, &c.

LII. And be it enacted, That any Person who shall knowingly detain, buy, exchange, or receive from any Soldier or Deserter, or any other Person, on any Pretence whatsoever, or shall solicit or entice any Soldier, or shall be employed by any Soldier, knowing him to be such, to sell any Arms, Ammunition, Clothes, or Military Furniture, or any Provisions, or any Sheets or other Articles used in Barracks, provided under Barrack Regulations, or Regimental Necessaries, or any Article of Forage provided for any Horses or other Beasts belonging to or used in the *East India* Company's Service, or who shall have in his or her Possession or Keeping any such Arms, Ammunition, Clothes, Furniture, Provisions, Spirits, Articles, Necessaries, or Forage as aforesaid, and shall not give a satisfactory Account how he or she came by the same, or shall change the Colour of any Clothes as aforesaid, shall forfeit for every such Offence any Sum not exceeding Two hundred Company's Rupees, together with the Treble Value of all or any of the several Articles of which such Offender shall so become possessed; and if any Person, having been so convicted, shall afterwards be guilty of any such Offence, and shall be convicted thereof by One or more Justices of the Peace, every such Offender shall for every such Offence forfeit any Sum not exceeding Two hundred Company's Rupees but not less than Fifty Company's Rupees, and the Treble Value of all or any of the several Articles of which such Offender shall have so become possessed, and shall, in addition to such Forfeiture,

feiture, be liable to be imprisoned only, or imprisoned and kept to hard Labour, for any Term not exceeding Six Calendar Months, as the convicting Justice or Justices shall think fit; and upon any Information against any Person for a Second or any subsequent Offence a Copy of the Conviction, certified by the proper Officer having the Care or Custody of such Conviction, or any Copy of the same, proved to be a true Copy, shall be sufficient Evidence to prove a Conviction of the former Offence; and if any credible Person shall prove on Oath or solemn Declaration before a Justice of the Peace, or Person exercising the like Authority, a reasonable Cause to suspect that any Person has in his or her Possession, or on his or her Premises, any Property of the Description herein-before described, with respect to which any such Offence shall have been committed, the Justice, or Person exercising like Authority, may grant a Warrant to search for such Property as in the Case of stolen Goods; and if upon Search any such Property shall be found the same shall and may be seized by the Officer charged with the Execution of such Warrant, who shall bring the Offender in whose Possession the same shall be found before such Justice or other Person, to be dealt with according to Law.

**Soldiers entitled to Discharge may claim to be sent Home free of Expense.**

LIII. And be it enacted, That every Soldier entitled to his Discharge, either upon the Expiration of any Period for which he shall have engaged to serve, or otherwise, shall be entitled to be sent to *Great Britain* or *Ireland* free of Expense, and be entitled on his Return to have and receive Marching Money from the Place of his being landed to the Parish or Place in which he shall have been originally enlisted, or at which he shall at the Time of Arrival in *Great Britain* or *Ireland* decide to take up his Residence, such Place not being at a greater Distance from the Place of his landing than the Place of his original Enlistment, such Marching Money being at the Rate and Reckoning *per Diem* fixed for victualling Soldiers in Her Majesty's Service on the March: Provided always, that every such Soldier entitled to and claiming his Discharge, and to be sent to *Great Britain* or *Ireland*, as aforesaid, as also any other Soldier in the Service of the *East India* Company entitled to be sent to *Great Britain* or *Ireland* shall, until his Arrival and Debarkation in *Great Britain* or *Ireland*, be subject to the Provisions of this Act, and the Articles of War framed or to be framed by Her Majesty for the better Government of the Company's Forces; and Her Majesty may by such Articles of War provide for the Punishment of any such Soldier who in the Passage shall be guilty of Drunkenness, or of any dishonest, disorderly, cruel, indecent, or disgraceful Conduct, by Sentence of a Court martial, to be held under the Mutiny Act and Articles of War for the Time being in force for Her Majesty's Forces, and may direct that

**Punishment of Offences on the Voyage.**

that for the Purposes of such Court-martial and Punishment he shall be considered as belonging to any Regiment in Her Majesty's Service, and be punishable in the same or the like Manner as if the Offence had been committed whilst serving with such Regiment, and as if any Advantages he may be entitled to by Service were Advantages arising from Service in Her Majesty's Forces.

Indian Government may suspend Proceedings.

LIV. And be it enacted, That the Government of any of the said Presidencies in *India* may suspend the Proceedings of any Court-martial which may at any Time be holden within such Presidencies respectively.

Power to appoint General Courts-martial anywhere beyond 120 Miles from the Presidencies (except Prince of Wales Island, Singapore, and Malacca,) for the Trial of Capital and other Offenders.

LV. And be it enacted, That any Officer or Soldier who shall be serving in the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place (other than *Prince of Wales Island*, *Singapore*, and *Malacca*,) in the Territories under the Government of the said Company, and situated above One hundred and twenty Miles from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, and who shall be accused of having committed Treason or any other Crime which if committed in *England* would be Felony, or of having committed any Offence against the Person or Property of any Subject of Her Majesty, or any other Person entitled to the Protection of Her Majesty or of the Government of the *East India* Company, or of any State in alliance with the said Company, may be tried by a General Court-martial to be appointed by the General or other Officer commanding in chief in such Place for the Time being, and if found guilty shall suffer Death, or be liable to Transportation for Life or for a Term of Years, or other Punishment, according to the Nature and Degree of the Offence, as by the Sentence of any such General Court-martial shall be awarded: Provided always, that no Sentence of a General Court-martial for any such Offence shall be carried into execution until the same shall have been confirmed by the General or other Officer commanding in chief as aforesaid; and such Officer may, if he shall think fit, suspend, mitigate, or remit the Sentence, or, in the Case of a Sentence of Death, commute the same, by directing the Offender to be transported as a Felon for Life or for any certain Term of Years; provided also, that any Person who may have been so tried as aforesaid shall not be tried for the same Offence by any other Court whatsoever.

Proviso for Confirmation by the Governor in Council in certain Cases.

LVI. Provided always, and be it enacted, That where any Officer or Soldier shall under the Clause lastly herein-before contained have been found guilty of any such Offence as therein mentioned, committed at any Place within the Territories under the Government of the

the said Company situated above One hundred and twenty Miles from the Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, and the Offender shall have been tried within such Territories, no Sentence of Death or Transportation in respect of such Offence, whether original, revised, or commuted, shall be carried into execution until such Sentence shall have been approved by the Governor General in Council, or Governor in Council of the Presidency in the Territories subordinate to which the Offender shall have been tried.

**Such Offenders, if apprehended by Civil Authorities, to be delivered over for Trial by Court-martial.**

LVII. And be it enacted, That if any Person liable under the Provisions herein-before mentioned to be tried by a Court-martial for any Crime or Offence alleged to have been committed within the Territories of any Foreign State, or in any Country under the Protection of Her Majesty or the said Company, or at any Place (other than *Prince of Wales Island*, *Singapore*, or *Malacca*,) in the Territories under the Government of the said Company, situate above One hundred and twenty Miles from the said Presidencies of *Fort William*, *Fort Saint George*, and *Bombay* respectively, or upon the High Seas, and for which no Proceeding shall have been commenced in any Court of competent Jurisdiction, shall be apprehended by the Authority of or brought before any Magistrate for any such Offence, such Magistrate shall deliver over such accused Person to the Commanding Officer of the Regiment, Corps, or Detachment to which such accused Person shall belong, or to the Commanding Officer of the nearest Military Station, for the Purpose of his being tried by a Court-martial for such Offence as is herein-before provided in that Behalf.

**The ordinary Course of Law not to be interfered with.**

LVIII. And be it enacted, That nothing in this Act contained shall be construed to exempt any Officer or Soldier from being proceeded against by the ordinary Course of Law; and any Commanding Officer who shall neglect or refuse, when Application is made to him for that Purpose, to deliver over to the Civil Magistrate any Officer or Soldier under his Command accused of any Crime or Offence against the Person, Estate, or Property of any of Her Majesty's Subjects, or any other Person entitled to the Protection of Her Majesty or of the respective Governments of the *East India* Company or of any State in alliance with the said Company, which is punishable by the ordinary Course of Law, or shall wilfully obstruct, neglect, or refuse to assist the Officers of Justice in apprehending any Officer or Soldier under his Command so accused as aforesaid, such Officer shall, upon Conviction thereof on any Prosecution in any of Her Majesty's Courts of Record in the United Kingdom or in *India*, be deemed to be *ipso facto* cashiered, and shall be utterly disabled to have or hold any Civil or Military

Military Office or Employment in the said Company's Service in the *East Indies;* and a Copy of the Record of such Conviction, subscribed and attested by the Clerk of the Crown or other proper Officer of the Court in which such Conviction shall take place, shall within Two Months from the Time of such Conviction be transmitted to the Judge Advocate General of the Army to which such Offender shall belong; provided, that nothing herein contained shall extend to require the Delivery over to the Civil Magistrate of any such Person accused of any Offence who shall have been tried for such Offence by any Court-martial under the Provisions herein-before in that Behalf contained, or against whom any effectual Proceeding shall have been taken or ordered to be taken for the Purpose of bringing such Person to Trial by Court-martial under the Provisions herein-before in that Behalf contained; provided also, that no Person or Persons, being acquitted or convicted of any Crime, Violence, or Offence by the Civil Magistrate or the Verdict of a Jury, shall be liable to be punished by a Court-martial for the same, otherwise than by cashiering; and whenever any Officer or Soldier shall have been tried before a Court of ordinary Criminal Jurisdiction, the Clerk of the Court or other Officer having the Custody of the Records of such Court, or the Deputy of such Clerk, shall, if required by the Officer commanding the Regiment to which such Officer or Soldier belongs, transmit to him a Certificate containing the Substance and Effect only, omitting the formal Part, of the Indictment, Conviction, or Acquittal of such Officer or Soldier, and shall be allowed for such Certificate a Fee of One Company's Rupee and Eight Annas; and every such Certificate, containing the Substance and Effect of the Indictment and Conviction, and purporting to be signed as aforesaid, shall be sufficient Evidence before a Court-martial of such Conviction, and it shall not be necessary to prove the Signature or official Character of the Person appearing to have signed the Certificate, nor, if the Court be satisfied, from all the Circumstances of the Case, that the Prisoner under Trial is the Person mentioned in such Certificate, shall it be necessary to give other Proofs of the Identity of the Person of the Offender.

Soldier not to be arrested for Debt unless amounting to 300 Company's Rupees.

LIX. And be it enacted, That no Person whatever enlisted into the *East India* Company's Service as a Soldier shall be liable to be arrested or taken therefrom by any Process or Execution whatsoever, other than for some Criminal Matter, unless an Affidavit shall be made by the Plaintiff, or some one on his Behalf, (for which no Fee shall be taken,) before some Judge of the Court out of which such Process or Execution shall issue, or before some Person authorized to take Affidavits in such Court, of which Affidavit a Memorandum without Fee shall be endorsed upon the Back of such Process, that the

the original Debt for which the Action has been brought or Execution sued out amounts to the Value of Three hundred Company's Rupees at the least, over and above all Costs of Suit in the Action or Actions on which the same shall be grounded; and any Judge of such Court may examine into any Complaints made by a Soldier or by his Superior Officer, and by Warrant under his Hand discharge such Soldier, without Fee, he being shown to be duly enlisted, and to have been arrested contrary to the Intent of this Act, and shall award reasonable Costs to such Complainant, who shall have for the Recovery thereof the like Remedy as would have been applicable to the Recovery of any Costs which might have been awarded against the Party by whom the Action shall have been brought or Execution sued as aforesaid: Provided always, that any Plaintiff, upon Notice of the Cause of Action first given in Writing to any Soldier, or left at his last Quarters or Place of Residence before listing, may file a Common Appearance in any Action to be brought for or upon account of any Debt whatsoever, and proceed therein to Judgment and Outlawry, and have Execution other than against the Body.

**Persons employed under Articles of War to collect Effects of Officers dying in Service abroad may do so without Probate or Letters of Administration.**

LX. And be it enacted, That it shall be lawful for all Officers or other Persons who by or under the Authority of any Articles of War in force for the Time being for the *European* Officers or Soldiers in the Service of the said Company may be authorized or required to take care of or collect or superintend, or direct the Collection, of the Effects or any Part of the Effects of any Officers or Soldiers dying in the Service of the said Company out of the United Kingdom to ask, demand, and receive any such Effects to which his Authority shall extend, and to commence, prosecute, and carry on any Actions or Suits for the Recovery thereof, and to sell and dispose of or otherwise deal with the same, without taking out any Letters of Administration, either with any Will annexed or otherwise, in every respect as if such Officers or Persons employed or required as aforesaid had been appointed Executors, and had proved the Will, or had taken out Administration of such Effects; and no Registrar of any Court in the *East Indies*, or any Person acting under the Appointment or Authority of such Court *ad colligenda* or otherwise, shall in any Manner interpose in relation to any such Effects, unless required and authorized so to do by any such Officer or Person so authorized or required as aforesaid, any Act or Acts, Law, Statute, or Usage, to the contrary notwithstanding.

**What Debts to be deemed Regimental Debts, and to have Priority accordingly.**

LXI. And be it enacted, That all Sums of Money due by deceased Officers and Soldiers in respect of any Military Clothing, Appointments, and Equipments, Servants Wages due, and Household Expenses, during the current Month, or in respect of any Quarters, or of

of any Mess or Band or Regimental Accounts, and all Sums of Money due to any Agent or Paymaster or Quartermaster, or any other Officer, upon any such Account, or on account of any Advance made for any such Purpose, and also any Charges or Expenses attending or relating to the Illness or Funeral of any such Officer or Soldier, shall be deemed and taken to be Regimental Debts, and shall be paid out of any Arrears of Pay or Allowances, or out of any Prize or Bounty Money, or the Equipage, Goods, Chattels, and Effects of any Officer or Soldier dying out of the United Kingdom while in the Service of the said Company, in preference to any other Debts, Claims, or Demands whatsoever upon the Estate and Effects of such Officer or Soldier; and if Doubt shall arise as to whether any Claim or Demand made in relation to any Officer or Soldier is a Regimental Debt or not, or whether such Charges or Expenses attending or relating to the Illness or Funeral of such Officer or Soldier are proper to be allowed, or whether any such Regimental Debts remain due, such Question shall be decided and concluded by any Order or Certificate to be made either by the Military Secretary to the Government of the Presidency to which such Officer or Soldier shall have belonged, or, in case where, for Convenience, such last-mentioned Military Secretary shall authorize or request the Military Secretary to the Government of any other Presidency to act on his Behalf, then by such last-named Military Secretary; and all such Payments shall be good and valid in Law, and every Person who shall make any such Payment out of any such Arrears of Pay, Effects, or Proceeds as aforesaid, under the Provisions of this Act, or in pursuance of any such Order or Certificate of such Military Secretary, or into whose Hands any such Money shall come, shall be and are hereby indemnified for and in respect of such Payments, and all other Acts, Matters, and Things done in pursuance of the Provisions of this Act, or of the Order or Certificate of the said Military Secretary in relation to the Distribution of such Assets, anything in any Act or Acts, or Law or Laws, to the contrary notwithstanding.

Regimental Debts to be paid without Probate or Letters of Administration, and the Surplus only to be deemed the Personal Estate to be administered.

Military Secretary to administer such Surplus, when not exceeding 1,000

LXII. And be it enacted, That all such Regimental Debts shall and may be paid without Probate of any Will being obtained, or any Letters of Administration, or any Confirmation of Testament, or Letters Testamentary or Dative, being taken out by any Person, and the Surplus only of such Arrears of Pay or Allowances, Prize or Bounty Money, Equipage, Goods and Chattels, or the Proceeds thereof, shall be deemed the Personal Estate of the Deceased for the Payment of any Duty which may be claimable in respect of the same; and it shall be lawful for the said Military Secretary to the Government of the Presidency to which the Deceased shall have belonged to order and direct the Payment or Distribution of any such Surplus, to any Amount not exceeding One thousand Company's Rupees, without any Probate or Letters of Administration, or Confirmation of

Company's Rupees, without Probate or Administration, and Duty-free.

Testament, or Letters Testamentary or Dative, or Payment of any Duty; and it shall also be lawful for any Paymaster or other Person to issue any Sum, not exceeding the Value of One thousand Company's Rupees, which may be due to any deceased Officer or Soldier, unto the Widow or Relative of any Officer or Soldier deceased, or unto the Representative or Representatives of any such Officer's Widow, or Relative in *India*, in like Manner, without any Probate or Letters of Administration, or Confirmation of Testament, or Letters Testamentary or Dative, or Payment of any Duty, the same to be paid to the Person who shall be notified by the said Military Secretary as aforesaid as being entitled thereto, or as being a proper Person to receive the same; and all such Payments respectively shall be as valid and effectual to all Intents and Purposes as if the same had been made by or to any Executor or Administrator, or under the Authority of any Probate or Letters of Administration, or Confirmation of Testament, Letters Testamentary or Dative, anything in any Act or Acts, or Law or Laws, to the contrary notwithstanding.

Effects remitted not to be deemed Assets in the Place to which remitted, so as to render Administration necessary.

Military Secretary authorized to order Remittance of Effects to any other Place in India.

LXIII. And be it enacted, That any Effects, or the Proceeds or Surplus of any Effects, which shall be collected or received under the Authority of any Articles of War as aforesaid, when remitted to any Person, under any Order of the Military Secretary to the Government of any of the said Company's Presidencies, or to such Military Secretary, shall not, by reason of coming to the Hands of such Person or Military Secretary, be taken to be Assets or Effects in the Place to which such Proceeds or Surplus may be remitted so as to render it necessary that Administration should be taken out in respect thereof; and it shall be lawful for the Military Secretary to the Government of the Presidency to which the deceased Officer or Soldier shall have belonged to order that such Effects, or the Proceeds or Surplus of any such Effects, shall be remitted to any other Place in *India*, Person or Persons, by whom the same can more conveniently be paid over to the Person or Persons entitled thereto; and the Obedience to the Orders of such Military Secretary in respect to the Payment and Disposal of any such Effects, Proceeds, or Surplus of such Effects shall be a sufficient Discharge from all Actions, Suits, and Demands in respect thereof, to all Persons to whose Hands any such Effects, Proceeds, or Surplus shall have come, and by whom the same shall have been paid and disposed of under the Order of such Military Secretary.

Mode of administering Surplus prescribed.

LXIV. And be it enacted, That the Effects, or the Proceeds or Surplus of the Effects, collected or received under the Authority of any Articles of War as aforesaid, which shall remain after satisfying such Regimental Debts as aforesaid, and subject to such Payment or Distribution

Distribution as is herein-before authorized, shall with all convenient Speed be transmitted to such Military Secretary as aforesaid by the Officer or Person employed or required to take care of, collect, and receive the same; and such Military Secretary shall cause the same, or the Surplus thereof remaining after satisfying such Debts, and subject to such Payment and Distribution as aforesaid, to be paid to the Executor or legal Representative (if in *India*) of such Officer or Soldier, or if there shall be no such Executor or legal Representative in *India*, or no such Executor or legal Representative shall within Twelve Months from the Death of such Officer or Soldier claim such Surplus, then and in that Case such Military Secretary shall remit the said Surplus to the Court of Directors of the *East India* Company in London, to be by them paid to the Executor or legal Representative of such Officer or Soldier so deceased; and such Remittance at the End of Twelve Months as aforesaid shall be a Discharge to such Military Secretary from all Actions, Suits, and Demands in respect of such Surplus: Provided always, that the Registrar of Her Majesty's several Supreme Courts in *India* shall not be required or entitled to take out Letters of Administration with the Will annexed, or otherwise, in respect of such Surplus, nor in any Manner to interpose in relation thereto, unless expressly authorized so to do by the said Military Secretary; and in all Cases in which the Surplus so to be remitted by the said Military Secretary to the said Court of Directors in *London* shall not exceed One hundred Pounds, it shall be lawful for the said Court of Directors to order and direct the Payment and Distribution thereof to the Parties entitled thereto, without any Probate, Letters Testamentary or Dative, or Payment of any Duty.

**Registrar of Supreme Courts to take out Administration to Surplus.**

LXV. And be it enacted, That it shall be lawful for Her Majesty, by any Articles of War to be made by Her as aforesaid, to make Provision for collecting any Effects of Deserters, and for Payment out of the same of any Regimental Debts and Quarters of the Deserters, and for carrying the Balance to the Credit of the *East India* Company, for the Use of the said Company; and that all Questions respecting any such Regimental Debts may be determined and concluded in such Manner as herein-before is provided.

**The Queen may make Provision for the Collection and Administration of the Effects of Deserters.**

LXVI. And be it enacted, That in all Places where the said Company's Forces now are or may be employed, or where any Body of Her Majesty's Forces may be serving with the Forces of the said Company, situate beyond the Jurisdiction of any Courts of Requests or other Courts for enforcing small Demands established at the Cities of *Calcutta*, *Madras*, and *Bombay* respectively, Actions of Debt, and all personal Actions against Officers, all Persons licensed to act as Sutlers to any Corps or Detachments or at any Station or Cantonment, Persons resident within the Limits of a Military Cantonment, or other Persons

**Where Troops are serving beyond the Jurisdiction of the Court of Requests, Actions of Debt not exceeding 400 Company's Rupees to be cognizable**

by a Military Court.

Persons amenable to the Provisions of this Act, not being Soldiers, shall be cognizable before a Court of Requests composed of Military Officers, and not elsewhere, provided the Value in question shall not exceed Four hundred Company's Rupees, and that the Defendant was a Person of the above Description when the Cause of Action arose, which Court the Commanding Officer of any Camp, Garrison, or Cantonment is hereby authorized and empowered to convene; and the said Court shall in all practicable Cases consist of Five Commissioned Officers, and in no instance of less than Three; and the President thereof shall in all practicable Cases be a Field Officer, and in no Case be under the Rank of a Captain; and every Member shall have served Five Years as a Commissioned Officer; and the President and Members assisting at any such Court, before any Proceedings be had before it, shall take the following Oath, which Oath shall be administered by the President of the Court to the other Members thereof, and to the President by any Member having first taken the Oath; (that is to say,)

Composition and Constitution of the Court prescribed;

I swear, That I will duly administer Justice according to the Evidence in the Matters that shall be brought before me.

'So help me GOD.'

and its Powers defined.

And all Witnesses before any such Court shall be examined in the same Manner as in the Case of a Trial by Court-martial; and it shall be competent for such Court, upon finding or awarding any Debt or Damage, either to award Execution thereof generally, or to direct specially that the whole or any Part thereof shall be stopped, and paid over to the Plaintiff, out of any Part not exceeding One Half of any Pay or Allowance, or out of any other public Money which may respectively be coming to the Defendant in the current or any future Month or Months, or to direct the same to be so paid by Instalments; and in all Cases where the Execution shall be awarded generally, the Debt, if not paid forthwith, shall be levied by Seizure and public Sale of such of the Defendant's Goods and Property as may be found within the Camp, Garrison, or Cantonment, under a written Order of the Commanding Officer, grounded on the Judgment of the Court; and all Orders of such Commanding Officer as to the Manner of such Sale, or the Person by whom the same shall be made, or otherwise respecting the same, shall be valid and binding; and any Goods and Property of the Defendant found within the Limits of the Camp, Garrison, or Cantonment to which the Defendant shall belong at any subsequent Time shall be liable to be seized and sold in like Manner, in satisfaction of any Remainder of such Debt or Damages; and if any Question shall arise whether any such Effects or Property are liable to be taken in Execution as aforesaid, the Decision and Order of the said Commanding Officer shall be final and conclusive with respect to the same; and if sufficient Goods shall not be found within the

the Limits of the Camp, Garrison, or Cantonment, then any public Money, or any Part, not exceeding One Half, of the Pay or Allowances accruing to the Defendant, shall be stopped, in liquidation of such Debt or Damages; and if such Defendant shall not receive Pay as an Officer or from any public Department, but be a Sutler, Servant, or Follower, he may be arrested by like Order of the Commanding Officer, and imprisoned in some convenient Place within the Military Boundaries for any Period not exceeding Two Months, unless the Debt be sooner paid; and the said Commanding Officer shall not, nor shall any Person acting on his Orders in respect of the Matters aforesaid, incur any Liability to any Person or Persons whomsoever for any Act done by him in pursuance of the Provisions aforesaid; and in Cases where the said Court shall direct specially that the whole or any Part of the Debt or Damages shall be stopped and paid out of Part of any Pay or Allowances, or out of any public Money, the same shall be stopped and paid accordingly, in conformity with such Direction: Provided always, that nothing herein-before contained shall enable any such Action as aforesaid to be brought in the said Court by any Officer or Soldier against any Officer.

**Term and Limitation of Actions.**

LXVII. And be it enacted, That any Action which shall be brought against any Person for anything to be done in pursuance of this Act shall be brought within Six Months; and it shall be lawful for every such Person to plead thereunto the General Issue of Not Guilty, and to give all special Matter in Evidence to the Jury which shall try the Issue; and if the Verdict shall be for the Defendant in any such Action, or the Plaintiff therein become nonsuited, or suffer any Discontinuance thereof, the Court in which the said Matter shall be tried shall allow unto the Defendant Treble Costs, for which the said Defendant shall have the like Remedy as in other Cases where Costs are given to Defendants; and every Action against any Person for anything to be done in pursuance of this Act, or against any Member of a Court-martial in respect of any Sentence of such Court, or of anything done by virtue or in pursuance of such Sentence, shall be brought in some of the Courts of Record at the Presidencies in *India*, or in the Courts of Record at *Westminster* or in *Dublin*, or the Court of Session in *Scotland*, and in no other Court whatsoever.

**Modes of Procedure.**

**Mode of recovering Penalties.**

LXVIII. And be it enacted, That all Penalties and Forfeitures by this Act imposed may and shall be sued for and be recoverable in any Court of Record at the said Presidencies, or in any other Court in *India* in which under any Laws made or to be made in *India* the Penalty would be recoverable if the same had been incurred by the Offender in breach of any other Law: Provided always, that no Action shall be brought or Prosecution carried on by virtue of this Act for any such Penalties or Forfeitures as aforesaid unless the same be commenced within Six Months after the Offence is committed.

One Moiety to Informer; Remainder to Military Secretary of the Presidency.

LXIX. And be it enacted, That One Moiety of any Penalty, not including any Treble Value of any Articles adjudged or recovered under the Provisions of this Act, shall go to the Person who shall inform or sue for the same; and the Remainder of the Penalty, together with the Treble Value of any Article, or, where the Offence shall be proved by the Person who shall inform, the whole of the Penalty, shall be paid to the Military Secretary of the Government of the Presidency to which the Court by whom the Penalty shall be adjudicated shall be subject, and shall abide the Disposal of such Military Secretary; and the Court which shall adjudge any Penalty under this Act shall immediately report the same to the said Secretary.

Punishment for giving false Testimony.

LXX. And be it enacted, That in all Cases where any Oath is hereby required to be taken, or any Person is hereby required to be sworn, a solemn Declaration or Affirmation may be substituted, if by the Laws for the Time being in force in *India* such Declaration or Affirmation would be allowed to be substituted in the Place of an Oath in case the Party were about to depose as a Witness in a Civil Action in any of the Supreme Courts at the Presidencies; and that any Persons wilfully and knowingly giving false Testimony on Oath, or solemn Declaration or Affirmation in any Case wherein such Oath or solemn Declaration or Affirmation shall have been made for the Purpose of this Act, shall be deemed guilty of wilful and corrupt Perjury, and being thereof duly convicted shall be liable to such Pains and Penalties as by any Law in force in *England*, or by any Law in force in *India*, any Persons convicted of wilful and corrupt Perjury are subject and liable to; and every Commissioned Officer convicted before a General Court-martial of Perjury shall be cashiered; and every Soldier or other Person amenable to the Provisions of this Act found guilty thereof shall be punished at the Discretion of a General or other Court-martial.

Offences against former Mutiny Acts and Articles of War, and all existing Proceedings, continued.

LXXI. And be it enacted, That all Crimes and Offences which have been committed against the said Act of the Third and Fourth Years of the Reign of Her present Majesty, herein-before mentioned, or against any of the Articles of War made and established by virtue of the same, may be inquired of and punished in like Manner as if they had been committed against this Act, and every Warrant for holding any Court-martial under the said Act shall remain in full Force notwithstanding the Repeal of such Act, and all Proceedings of any Court-martial upon any Trial begun under the Authority of such former Act shall not be discontinued by the Repeal of the same: Provided always, that no Person shall be liable to be tried and punished for any Offence against the said Act or this Act, or the Articles of War made or to be made by virtue of the same Acts or either of them, which shall appear to have been committed more than

than Three Years before the issuing of the Commission or Warrant for such Trial, unless the Person accused, by reason of his having absented himself, or of some other manifest Impediment, shall not have been amenable to Justice within that Period, in which Case such Person shall be liable to be tried at any Time not exceeding Two Years after the Impediment shall have ceased.

LXXII. And be it enacted, That nothing in this Act contained shall in any Manner affect Her Majesty's Royal Prerogative of Mercy.

Act not to affect Queen's Prerogative.

LXXIII. And be it enacted, That nothing herein contained shall affect the Provisions of an Act passed in the Seventh and Eighth Years of Her Majesty, intituled *An Act to remove Doubts as to the Power of appointing, convening, and confirming the Sentences of Courts-martial in the* East Indies, and that all the Provisions thereof shall after the passing of this Act apply and be in full Force and Effect, unless and except so far as the Provisions thereof may in any respect be inapplicable.

Not to affect Provisions of 7 & 8 Vict. c. 18.

LXXIV. And be it enacted, That this Act shall commence and take effect from and after the First Day of *January* One thousand eight hundred and fifty, and that from and after such Day all Powers and Provisions contained in the said Act of the Third and Fourth Years of Her present Majesty, except as herein-after is particularly provided, shall cease and determine, and that from and after the same Day the Articles of War made by Her Majesty in pursuance of the said Act shall cease and determine: Provided nevertheless, that full Effect shall be given to the Provisions herein-before contained respecting the Punishment of Offences against the said former Act, and otherwise, as herein-before is mentioned; and that, so far as may be necessary to give full Effect to such Provisions, the said Act of the Third and Fourth Years of Her Majesty, and the Articles of War made in pursuance of the same, shall be deemed to be in full Force; and provided also, that all the Powers and Provisions contained in the said Act of the Third and Fourth Years of Her Majesty concerning or in any way relating to the *Indian* Navy shall be and remain in full Force and Effect, in the same Manner as if this Act had not passed; and provided also, that the Repeal of the same Act shall not operate to revive any former Act.

Commencement of this Act and Repeal of former Act.

LXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended or repealed.

SCHE-

## SCHEDULE to which this Act refers.

FORM of OATH to be taken by the PRESIDENT and MEMBERS of COURTS-MARTIAL.

You shall well and truly try and determine according to the Evidence in the Matter now before you. So help you GOD.

I *A. B.* do swear, That I will duly administer Justice according to the Rules and Articles for the better Government of the Forces of the East India Company, and according to an Act of Parliament now in force for the Punishment of Mutiny and Desertion of the said Forces, and other Crimes therein mentioned, without Partiality, Favour, or Affection, and if any Doubt shall arise which is not explained by the said Articles or Act, according to my Conscience, the best of my Understanding, and the Custom of War in the like Cases; and I further swear, that I will not divulge the Sentence of the Court until it shall be duly approved, neither will I, upon any account, at any Time whatsoever, disclose or discover any Vote or Opinion of any particular Member of the Court martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in due Course of Law. So help me GOD.

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FORM of OATH to be taken by the JUDGE ADVOCATE (or Person officiating as such).

I do swear, That I will not, upon any account whatsoever, disclose or discover any Vote or Opinion of any particular Member of the Court-martial, unless required to give Evidence thereof as a Witness by a Court of Justice or a Court-martial in a due Course of Law, and that I will not, unless it be necessary for the due Discharge of my official Duties, disclose the Sentence of the Court until it shall be duly approved. So help me GOD.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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Consolidated Fund.

Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Three or more of them, or the Lord High Treasurer of the United Kingdom of *Great Britain* and *Ireland* for the Time being, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause 3,000,000*l.* of Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1. 4 & 5 W. 4. c. 15. and 5 & 6 Vict. c. 66.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Three or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

The Clauses, &c. in recited Acts extended to this Act.

III. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 3,000,000*l.*

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized

authorized to be made out in pursuance of this Act, and to advance or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Three Millions, anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors, and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts, to the contrary notwithstanding.

on the Credit of this Act, notwithstanding 5 & 6 W. & M. c. 20.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank, as Security for such Advances.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Monies raised by Bills to be applied to the Services voted by the Commons.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, or any Three or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. XLV.

### An Act to amend the Procedure in Courts of General and Quarter Sessions of the Peace in *England* and *Wales*, and for the better Advancement of Justice in Cases within the Jurisdiction of those Courts. [28th *July* 1849.]

WHEREAS, in Cases of Appeal to Courts of General or Quarter Sessions of the Peace, it is expedient that the Law should be more uniform: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in every Case of Appeal (except as herein-after mentioned) to any Court of General or Quarter Sessions of the Peace Fourteen clear Days Notice of Appeal at least shall be given, and such shall be sufficient Notice, any Act or Acts, or any Rule or Practice of any Court or Courts, to the contrary notwithstanding; and such Notice of Appeal shall be in Writing, signed by the Person or Persons giving the same, or by his, her, or their Attorney on his, her, or their Behalf, and the Grounds of Appeal shall be specified in every such Notice: Provided always, that it shall not be lawful for the Appellant or Appellants, on the Trial of any such Appeal, to go into

Uniformity of Time for Notice of Appeal.

Notice of Appeal to be in Writing, and signed.

Grounds of Appeal to be stated.



or

or give Evidence of any other Ground of Appeal besides those set forth in such Notice.

Act not to affect Notices of Appeal against Orders of Removal, Orders of Bastardy, &c.

II. And be it enacted, That none of the Provisions herein-before contained relating to Notices of Appeal shall be construed to affect or alter the Law as to Notice of Appeal against a summary Conviction, or against an Order of Removal, or against an Order under any Statute relating to Pauper Lunatics, or against an Order in Bastardy, or against any Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office, but the Law with regard to Notices of all such Appeals shall be deemed and taken to be the same as if the Provisions herein-before contained had not been enacted.

Defects in Statement of Grounds of Appeal

III. And whereas a Statement of the Grounds of Appeal, when required by this or any other Statute, is for the Purpose of enabling the Party receiving it to inquire into the Subject of such Statement, and, if need be, to prepare for Trial: Be it therefore enacted, That upon the Hearing of any Appeal to any Court of General or Quarter Sessions of the Peace no Objection on account of any Defect in the Form of setting forth any Ground of Appeal shall be allowed, and no Objection to the Reception of legal Evidence offered in support of any Ground of Appeal shall prevail, unless the Court shall be of opinion that such Ground of Appeal is so imperfectly or incorrectly set forth as to be insufficient to enable the Party receiving the same to inquire into the Subject of such Statement, and to prepare for Trial: Provided always, that in all Cases where the Court shall be of opinion that any Objection to any Ground of Appeal, or to the Reception of Evidence in support thereof, ought to prevail, it shall be lawful for such Court, if it shall so think fit, to cause any such Ground of Appeal to be forthwith amended by some Officer of the Court, or otherwise, on such Terms as to Payment of Costs to the other Party, or postponing the Trial to another Day in the same Sessions or to the next subsequent Sessions, or both Payment of Costs and Postponement, as to such Court shall appear just and reasonable.

Amendment of Grounds of Appeal.

Frivolous Grounds of Appeal.

IV. And be it enacted, That if in any Notice of Appeal the Appellant or Appellants shall have included any Ground or Grounds of Appeal which shall in the Opinion of the Court determining the Appeal be frivolous or vexatious, such Appellant or Appellants shall be liable, if the Court shall so think fit, to pay the whole or any Part of the Costs incurred by the Respondent or Respondents in disputing any such Ground or Grounds of Appeal, such Costs to be recoverable in the Manner herein-after directed as to the other Costs incurred by reason of such Appeal.

V. And

V. And be it enacted, That upon any Appeal to any Court of General or Quarter Sessions of the Peace the Court before whom the same shall be brought may, if it think fit, order and direct the Party or Parties against whom the same shall be decided to pay to the other Party or Parties such Costs and Charges as may to such Court appear just and reasonable, such Costs to be recoverable in the Manner provided for the Recovery of Costs upon an Appeal against an Order or Conviction by an Act passed in the Twelfth Year of Her Majesty's Reign, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders.*

Sessions to have a general Power to give Costs in all Cases of Appeal.

11 & 12 Vict. c. 43.

VI. And for the more effectual Prevention of frivolous Appeals, be it enacted, That any Court of General or Quarter Sessions of the Peace, upon Proof of Notice of any Appeal to the same Court having been given to the Party or Parties entitled to receive the same, though such Appeal was not afterwards prosecuted or entered, may, if it so think fit, at the same Sessions for which such Notice was given, order to the Party or Parties receiving the same such Costs and Charges as by the said Court shall be thought reasonable and just to be paid by the Party or Parties giving such Notice, such Costs to be recoverable in the Manner last aforesaid.

Frivolous Appeals.

VII. And whereas in many Cases, where Justices of the Peace are by Law empowered to make Orders or to give Judgments, great Expense and frequent Failures of Justice have been occasioned by reason that such Orders or Judgments have, on Appeal to the General or Quarter Sessions of the Peace, or on Removal by Certiorari into the Court of Queen's Bench, been quashed or set aside upon Exceptions or Objections to the Form of the Order or Judgment, irrespective of the Truth and Merits of the Matters in question: For Remedy thereof be it enacted, That if upon the Trial of any Appeal to any Court of General or Quarter Sessions of the Peace against any Order or Judgment made or given by any Justice or Justices of the Peace, or if upon the Return to any Writ of Certiorari any Objection shall be made on account of any Omission or Mistake in the drawing up of such Order or Judgment, and it shall be shown to the Satisfaction of the Court that sufficient Grounds were in Proof before the Justice or Justices making such Order or giving such Judgment to have authorized the drawing up thereof free from the said Omission or Mistake, it shall be lawful for the Court, upon such Terms as to Payment of Costs as it shall think fit, to amend such Order or Judgment, and to adjudicate thereupon as if no such Omission or Mistake

Amendment of Orders or Judgments of Justices on Appeal or Return to Certiorari.

Rule for Certiorari to state Objections.

Mistake had existed: Provided always, that no Objection on account of any Omission or Mistake in any such Order or Judgment brought up upon a Return to a Writ of Certiorari shall be allowed unless such Omission or Mistake shall have been specified in the Rule for issuing such Certiorari.

Amendment of Recognizances.

VIII. And whereas the Statutes giving a Right of Appeal against Orders or summary Convictions frequently require a Recognizance or Recognizances to be entered into as a Condition of such Appeal, and Appellants are liable to be prevented from trying their Appeals upon the Merits, in consequence of Imperfections in the taking of such Recognizances: Be it enacted, That where any Recognizance or Recognizances which shall have been entered into within the Time by Law required before any Justice or Justices for the Purpose of complying with any such Condition of Appeal shall appear to the Court before which such Appeal is brought to have been insufficiently entered into, or to be otherwise defective or invalid, it shall be lawful for such Court, if it shall so think fit, to permit the Substitution of a new and sufficient Recognizance or new and sufficient Recognizances to be entered into before such Court in the Place of such insufficient, defective, or invalid Recognizance or Recognizances, and for that Purpose to allow such Time, and make such Examination, and impose such Terms as to Payment of Costs to the Respondent or Respondents, as to such Court shall appear just and reasonable; and such substituted Recognizance or Recognizances shall be as valid and effectual to all Intents and Purposes as if the same had been duly entered into at any earlier Time or Times as required by any Statute or Statutes for that Purpose.

Decisions of Sessions, when final.

IX. And be it enacted, That the Decisions of the Court of General or Quarter Sessions of the Peace upon the Hearing of any Appeal, as to the Sufficiency of the Statement of any Ground or Grounds of Appeal, and as to the amending or refusing to amend any Order or Judgment of a Justice or Justices appealed against, or the Statement of any Ground or Grounds of Appeal, and as to the Substitution of any new Recognizance or Recognizances as aforesaid, shall be final, and shall not be liable to be reviewed in any Court, by means of a Writ of Certiorari or Mandamus, or otherwise.

Amendment of Indictment.

X. And be it enacted, That every Court of General or Quarter Sessions of the Peace, on the Trial of any Offence within its Jurisdiction, whenever any Variance or Variances shall appear between any Matter in Writing or in Print produced in Evidence and the Recital or setting forth thereof in the Indictment, shall have

the same Power in all respects to cause the Indictment to be amended which is given to Courts of Oyer and Terminer and General Gaol Delivery with regard to Offences tried before such last-mentioned Courts by virtue of an Act of the Twelfth Year of Her Majesty's Reign, intituled *An Act for the Removal of Defects in the Administration of Criminal Justice;* and after such Amendment the Trial shall proceed in the same Manner in all respects, both with regard to the Liability of Witnesses to be indicted for Perjury and otherwise as if no such Variance or Variances had appeared.

11 & 12 Vict. c. 46.

Power to state a Special Case without going to the Sessions previously.

XI. And be it enacted, That at any Time after Notice given of Appeal to any Court of General or Quarter Sessions of the Peace against any Judgment, Order, Rate, or other Matter, (except an Order in Bastardy, or a Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office,) for which the Remedy is by such Appeal, it shall be lawful for the Parties, by Consent, and by Order of any Judge of one of the Superior Courts of Common Law at *Westminster*, to state the Facts of the Case in the Form of a Special Case for the Opinion of such Superior Court, and to agree that a Judgment in conformity with the Decision of such Court, and for such Costs as such Court shall adjudge, may be entered on Motion by either Party at the Sessions next or next but one after such Decision shall have been given; and such Judgment shall and may be entered accordingly, and shall be of the same Effect in all respects as if the same had been given by the Court of General or Quarter Sessions upon an Appeal duly entered and continued.

References to Arbitration.

9 & 10 W. 3. c. 15.

XII. And whereas by a Statute passed in the Tenth Year of King *William* the Third, intituled *An Act for determining Differences by Arbitration*, Provision was made for rendering more effectual the Awards of Arbitrators in the Case of Controversies and Disputes for which there is no other Remedy but by personal Action or by Suit in Equity: And whereas it is expedient in like Manner to facilitate and render more effectual References to Arbitration of Controversies and Disputes for which the Remedy is by Appeal to a Court of General or Quarter Sessions of the Peace: Be it enacted, That at any Time after Notice given of Appeal to any Court of General or Quarter Sessions of the Peace against any Order, Rate, or other Matter, (except a summary Conviction, or an Order in Bastardy, or any Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office,) for which the Remedy is by such Appeal, it shall be lawful for the Parties, by themselves or their Attornies, and by Order of a Judge of Her

Majesty's Court of Queen's Bench, to submit the Matter or Matters of such Appeal to the Award or Umpirage of any Person or Persons, and to agree that such Submission should be made a Rule of the said Court of Queen's Bench, and to insert such Agreement in their Submission or the Condition of the Bond or Promise whereby they oblige themselves respectively to submit to the Award or Umpirage of such Person or Persons; and thereupon such and the like Proceedings in all respects shall and may be taken with regard to Submissions under this Act, and to enforcing Awards or Umpirages thereupon, and to setting aside the same, as are authorized by the said Act of King *William* the Third with regard to the Cases therein provided for; and every Award or Umpirage duly made under this Act shall be as binding and effectual to all Intents as if the same had been a regular Judgment of the said Court of General or Quarter Sessions, and shall and may, on the Application of either Party, be enrolled among the Records of the said Court of Sessions.

References by Order of Court of Sessions.

XIII. And be it enacted, That it shall be lawful for any Court of General or Quarter Sessions of the Peace before which any Appeal (except against a summary Conviction, or an Order in Bastardy, or any Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office,) shall be brought, to order, with Consent of the Parties or their Attornies, that the Matter or Matters of such Appeal be referred to Arbitration to such Person or Persons and in such Manner and on such Terms as the said Court shall think reasonable and proper; and such Order may be made a Rule of the Court of Queen's Bench, on the Application of either Party; and the Award of the Arbitrator or Arbitrators, or Umpirage of the Umpire, may, on Motion by either Party at the Sessions next or next but one after such Award or Umpirage shall have been finally made and published, or after the Decision of the Court of Queen's Bench on any Motion for setting aside the same, be entered as the Judgment of the Court of General or Quarter Sessions in the Appeal, and shall be as binding and effectual to all Intents as if given by the said Court: Provided always, that the Court of Queen's Bench may, if it think fit, on Application within the Term next after the making and Publication of such Award or Umpirage, either refer the Case back again to the same Arbitrator, Arbitrators, or Umpire, or wholly set aside the Award or Umpirage already made, and may in the latter Event order the Court of General or Quarter Sessions to enter Continuances and hear the Appeal.

Where Reference abortive, Queen's

XIV. And be it enacted, That if upon any Reference to Arbitration under this Act it shall be made to appear to the Court of Queen's Bench that, either from the Death of the Arbitrator or Arbitrators or

or Umpire, or from any other Cause, it has become impossible that an Award or Umpirage can be made, it shall be lawful for the said Court to order the Court of General or Quarter Sessions of the Peace to enter Continuances and hear the Appeal.

Bench may order Sessions to hear the Appeal.

XV. And be it enacted, That the several Provisions relating to Arbitrations contained in an Act of the Fourth Year of King *William* the Fourth, intituled *An Act for the further Amendment of the Law and the better Advancement of Justice*, shall be deemed and taken to be applicable to Arbitrations under this Act; and in every such Arbitration the Arbitrator or Arbitrators or Umpire shall have the same Powers of Amendment which the Court of General or Quarter Sessions of the Peace would have had on the Trial of the Appeal.

3 & 4 W. 4. c. 42. to be applicable to References under this Act.

Arbitrators to have Power of Amendment.

XVI. And be it enacted, That no Recognizance entered into pursuant to any Statute or Statutes for the Prosecution and Trial of any Appeal shall be deemed to be forfeited by such Agreement as aforesaid for the Statement of a Special Case without previously going to the Court of General or Quarter Sessions, or by any Submission to Arbitration under the Provisions of this Act.

Recognizances for Prosecution and Trial of Appeal.

XVII. And whereas by an Act passed in the Third Year of the Reign of King *George* the Fourth, intituled *An Act for the more speedy Return and levying of Fines, Penalties, and Forfeitures and Recognizances estreated*, Provision is made for authorizing the levying and Recovery of Fines, Issues, Amerciaments, and forfeited Recognizances set, imposed, lost, or forfeited by or before any Justice or Justices of the Peace in *England*: And whereas it is expedient that the subsequent Proceedings in such Cases should be uniform: Be it enacted, That the Proceedings subsequent to such Authority given for so levying and recovering as aforesaid shall and may be the same in all respects in the Case of such Fines, Issues, and Amerciaments as are by the said Act provided, permitted, and required in the Case of such forfeited Recognizances.

3 G. 4. c. 46. Levying and Recovery of Fines, Issues, and Amerciaments.

XVIII. And be it enacted, That in all Cases where any Order shall be made by any Court of General or Quarter Sessions of the Peace it shall be lawful for the Court of Queen's Bench, or for any Judge of that Court at Chambers, either in Term or Vacation, upon the Application of any Person entitled to enforce such Order, and upon the Production of a Copy of such Order under the Hand of the Clerk of the Peace or his Deputy, and upon Proof of Refusal or Neglect to obey such Order, to order and direct such Order of the Court of General or Quarter Sessions to be removed into the said Court

Enforcing Orders of Sessions.

Court of Queen's Bench, and thereupon such Order shall be of the same Force and Effect, and may be enforced in the same Manner, as a Rule made by the said Court of Queen's Bench; and all the reasonable Costs and Charges attendant upon such Application and Removal shall be recoverable in like Manner as if the same were Part of such Order.

Not to extend to Scotland or Ireland.

XIX. And be it enacted, That nothing in this Act contained shall extend to *Scotland* or *Ireland*.

Commencement of Act.

XX. And be it enacted, That this Act shall come into operation on the First Day of *November* One thousand eight hundred and forty-nine.

Act may be amended, &c.

XXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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# VICTORIÆ REGINÆ.

## CAP. XLVI.

### An Act to facilitate the Union of Turnpike Trusts.

[28th *July* 1849.]

WHEREAS it is expedient, for the better and more economical Management of Turnpike Trusts, that all which can be conveniently managed together should be united where the same can be effected without Injury to the Creditors of any of the said Trusts: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where the General Annual Meetings of the Trustees of Two or more Turnpike Roads have for Three Years next preceding such Notice as next herein-after mentioned been held at the same Place, or at Places distant not more than Ten Miles from each other, Two or more of the Trustees of each of such Roads may call a joint Meeting of the Trustees of such several Roads, at a Place to be specified in the Notice of such Meeting, for the Purpose of taking into consideration a Proposition for the Union of the Trusts of such several Roads, of which Meeting and of the Purpose thereof Twenty-one Days Notice shall be given, in like Manner as Notice of the General Annual Meeting of the Trustees of such respective Roads is by Law required to be given; and if at such

Trustees of several Turnpike Roads may hold joint Meetings, and if deemed expedient to Two Thirds of Trustees present, Trusts may be united, on Assent being obtained from Creditors.

Meeting it shall appear to a Majority, being not less than Two Thirds of the Trustees of each of the Trusts so proposed to be united then present, that such Union is expedient, and that the same can be effected without Injury to the Interests of any of the Creditors of any of the said Trusts, the said Trustees may resolve to unite the same, and shall in such Case, within Twenty Days after such Meeting, send Notice of such Resolution, together with a Report of the Reasons for which the said Union is considered by them expedient, and a Statement of the Income and Expenditure of all the Trusts proposed to be so united, and of the Debts of every such Trust, to all the Creditors of the same, such Notice and Report to be delivered at the usual Place of Abode of every such Creditor, or at the Bank or other Place where the Interest on the Debt due to such Creditor is usually paid, with Instructions to forward the same to such Creditor; and whenever the Assent in Writing to the proposed Union of the Creditors of each of the said Trusts to whom Three Fifths in Amount of the Debts due from such Trust shall be owing, or of Persons legally qualified to assent in behalf of such Creditors, shall have been obtained, the Union of the said Trusts, together with the Assents and the Reports and Accounts on which such Union is founded, shall be registered in the Office of the Clerk of the Peace in every County through which the Roads of such united Trusts pass; and from and after the Date of such Registration the said Trusts shall become and continue One united Trust, and all the Trustees of every Trust so united shall be Trustees of the said united Trusts.

United Trust subject to Liabilities and entitled to Tolls of each Trust so united.

II. And be it enacted, That every such Trust shall be called and known as "The United Trust of ——— Roads," and shall be subject to all the Liabilities of each Trust so united, and be entitled to all the Tolls, Profits, and other Property of each such Trust, and all Payments shall be made from the common Fund of the said Trusts so united; and all the Provisions of the General Turnpike Acts shall be applicable to such united Trust.

Special Provisions in said Acts to apply only to the particular Road.

III. Provided always, and be it enacted, That all special Provisions in any of the said Acts as to the Amount of Tolls or Exemptions, or other Arrangements respecting any particular Portion of any One of such Roads, shall be held to apply to that Road only, and not to the whole united Trust.

Nothing to affect Rights, &c. of Persons to Offices under Turnpike Trusts.

IV. Provided also, and be it enacted, That nothing in this Act contained shall extend or be construed to extend to affect, destroy, or alter any Right or Interest of any Person to or in any Office under any Turnpike Trust to which such Person may have been lawfully entitled before the passing of this Act.



V. And

*Turnpike Trusts Union.*

V. And be it enacted, That any Trust so united may hold its subsequent Meetings at any Place at which any of the said Trusts might have held its Meetings prior to such Union, and that after the Expiration of Three Years may in like Manner and under the same Conditions unite with any other Trust, Trusts, or united Trust meeting at the same. Meetings of united Trusts.

VI. And be it enacted, That this Act shall not extend to *Scotland* or *Ireland*. Act not to extend to Scotland or Ireland.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament. Act may be amended, &c.

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# VICTORIÆ REGINÆ.

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which will expire on 31st July 1849, &c., further continued.

the present Year, or at or before the End of the present or next ensuing Session of Parliament, shall be and the same is hereby continued, as amended by the said recited Act of the Fourth and Fifth Years of Her Majesty's Reign, until the Thirty-first Day of *July* One thousand eight hundred and fifty, or, if Parliament be then sitting, until the End of the then Session of Parliament.

Nothing in this Act to continue the 7 & 8 G. 4. c. lxvi.

II. Provided always, and be it enacted, That nothing herein contained shall apply or extend to continue an Act of the Seventh and Eighth Years of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for repairing and improving the Road from* Dublin, *by* Ashbourne, *to* Slane *and* Drogheda, except so far as the said Act may repeal any former Act.

Act 9 G. 4. c. lxxx. to continue until 1st Oct. 1850, and no longer.

III. Provided also, and be it enacted, That an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act for more effectually repairing and improving the Road leading from* Lisburn *in the County of* Antrim *to the Town of* Monaghan, shall be continued until the First Day of *October* in the Year One thousand eight hundred and fifty, and no longer, unless Parliament shall in the meantime further continue the said Act.

Act 1 & 2 G. 4. c. xxxviii. to continue till 1st Oct. 1850, and no longer.

IV. Provided also, and be it enacted, That an Act of the First and Second Years of the Reign of King *George* the Fourth, intituled *An Act for repairing the Road from the Town of* Athy *in the County of* Kildare, *through the Town of* Castlecomer *in the County of* Kilkenny, *to the City of* Kilkenny, *and from the Town of* Castlecomer *to the Town of* Leighlin Bridge *in the County of* Carlow, *and from the Town of* Carlow *to the said Town of* Castlecomer, shall continue in force until the First Day of *October* in the Year One thousand eight hundred and fifty, and no longer, unless Parliament shall in the meantime continue such Act.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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into, incurred, or arising within the said *Indian* Territories and other Parts of *America*, and all and every Wrong and Injury to the Person or to Property, real or personal, committed or done within the same, should be and be deemed to be of the same Nature, and be cognizable by the same Courts, Magistrates, or Justices of the Peace, and be tried in the same Manner, and subject to the same Consequences in all respects, as if the same had been made, entered into, incurred, arisen, committed, or done within the said Province of *Upper Canada*, and in the same Act are contained Provisions for giving Force, Authority, and Effect within the said *Indian* Territories and other Parts of *America* to the Process and Acts of the said Courts of *Upper Canada*, and it was thereby also enacted, that it should be lawful for His Majesty, if He should deem it convenient so to do, to issue a Commission or Commissions to any Person or Persons to be and act as Justices of the Peace within such Parts of *America* as aforesaid, as well within any Territories theretofore granted to the Company of Adventurers of *England* trading to *Hudson's Bay* as within the *Indian* Territories of such other Parts of *America* as aforesaid; and it was further enacted, that it should be lawful for His Majesty from Time to Time by any Commission under the Great Seal to authorize and empower any such Persons so appointed Justices of the Peace as aforesaid to sit and hold Courts of Record for the Trial of Criminal Offences and Misdemeanors, and also of Civil Causes, and it should be lawful for His Majesty to order, direct, and authorize the Appointment of proper Officers to act in aid of such Courts and Justices within the Jurisdiction assigned to such Courts and Justices in any such Commission, provided that such Courts should be constituted, as to the Number of Justices to preside therein, and as to such Places within the said Territories of the said Company, or any *Indian* Territories or other Parts of *North America* as aforesaid, and the Times and Manner of holding the same, as His Majesty should from Time to Time order and direct, but should not try any Offender upon any Charge or Indictment for any Felony made the Subject of Capital Punishment, or for any Offence or passing Sentence affecting the Life of any Offender, or adjudge or cause any Offender to suffer Capital Punishment or Transportation, or take cognizance of or try any Civil Action or Suit in which the Cause of such Suit or Action should exceed in Value the Amount or Sum of Two hundred Pounds, and in every Case of any Offence subjecting the Person committing the same to Capital Punishment or Transportation the Court, or any Judge of any such Court, or any Justice or Justices of the Peace before whom any such Offender should be brought, should commit such Offender to safe Custody, and cause such Offender to be sent in such Custody for Trial in the Court of the Province of *Upper Canada*:

And

And whereas, for the Purpose of the Colonization of that Part of the said *Indian* Territories called *Vancouver's Island*, it is expedient that further Provision should be made for the Administration of Justice therein: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Proclamation of this Act in *Vancouver's Island* the said Act of the Forty-third Year of King *George* the Third, and the said recited Provisions of the Second Year of King *George* the Fourth, and the Provisions contained in such Act for giving Force, Authority, and Effect within the said *Indian* Territories and other Parts of *America* to the Process and Acts of the said Courts of *Upper Canada*, shall cease to have Force in and to be applicable to *Vancouver's Island* aforesaid; and it shall be lawful for Her Majesty from Time to Time (and as well before as after such Proclamation) to make Provision for the Administration of Justice in the said Island, and for that Purpose to constitute such Court or Courts of Record and other Courts, with such Jurisdiction in Matters Civil and Criminal, and such equitable and ecclesiastical Jurisdiction, subject to such Limitations and Restrictions, and to appoint and remove, or provide for the Appointment and Removal of such Judges, Justices, and such ministerial and other Officers, for the Administration and Execution of Justice in the said Island, as Her Majesty shall think fit and direct.

43 G. 3. c. 138. and Parts of 1 & 2 G. 4. c. 66. repealed as to Vancouver's Island.

II. Provided always, and be it enacted, That when and so soon as a local Legislature has been established in *Vancouver's Island* it shall be lawful for such Legislature, from Time to Time, by any Law or Ordinance made in the Manner and subject to the Conditions which may be by Law required in respect of Laws or Ordinances made by such local Legislature, to make such Alterations as to such Legislature may seem meet in the Constitution or Jurisdiction of the Courts which may be established in the said Island, and to make all such other Provisions as to such local Legislature may seem meet for and concerning the Administration of Justice in the said Island.

Power to local Legislature to make Provision for Administration of Justice.

III. Provided always, and be it enacted, That all Judgments given in any Civil Suit in the said Island shall be subject to Appeal to Her Majesty in Council, in the Manner and subject to the Regulations in and subject to which Appeals are now brought from the Civil Courts of *Canada*, and to such further or other Regulations as Her Majesty with the Advice of Her Privy Council shall from Time to Time appoint.

Appeal to Privy Council in Civil Cases.

IV. And

Adjacent Islands to be deemed Part of Vancouver's Island.

IV. And be it enacted, That all such Islands adjacent to *Vancouver's Island* or to the Western Coast of *North America*, and forming Part of the Dominions of Her Majesty, as are to the Southward of the Fifty-second Degree of North Latitude, shall be deemed Part of *Vancouver's Island* for the Purposes of this Act.

Act may be amended, &c.

V. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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the Part of the said Lands so conveyed or agreed to be conveyed and the Residue thereof; and such Apportionment may be settled by Agreement between the Parties following, that is to say, the Lessor or other the Owner subject to such Lease of the Lands comprised therein, the Lessee or other the Party entitled thereto by virtue of such Lease or any Assignment thereof for the Residue of the Term thereby created, and the Party to whom such Conveyance as aforesaid for the Purposes of the said firstly herein-before mentioned Act is made or agreed to be made; and when such Apportionment shall so be made it shall be binding on all Under-lessees and other Persons and Corporations whatsoever, whether Parties to the said Agreement or not.

Liabilities of Tenants, and Remedies of Landlords, as to the Lands not conveyed.

II. And be it enacted, That in case of any such Apportionment as aforesaid, and after the Lands so conveyed or agreed to be conveyed as aforesaid shall have been conveyed, the Lessee, and all Parties entitled under him to the Lands comprised in the Lease not included in such Conveyance, shall, as to all future accruing Rent, and of all future Fines certain or fixed Sums of Money, to be paid upon Renewals, be liable only to so much of the Rent and of such Fines or Sums of Money as shall be apportioned in respect of such last-mentioned Lands; and the Party entitled to the Rent reserved by the Lease shall have all the same Rights and Remedies for the Recovery of such Portion of the Rent as last aforesaid as previously to such Apportionment he had for the Recovery of the whole Rent reserved by such Lease; and all the Covenants, Conditions, and Agreements of such Lease, except as to the Amount of Rent to be paid, and of Fines or Sums of Money to be paid upon Renewals, in case of any Apportionment of the same respectively, shall remain in force with regard to that Part of the Land comprised in the Lease which shall not be so conveyed as aforesaid, in the same Manner as they would have done in case such Part only of the Land had been included in the Lease.

The same Person may grant several Sites for Schools in the same Parish if the whole Extent do not exceed certain Limits.

4 & 5 Vict. c. 38. § 9.

III. And whereas by the said first-recited Act Power is given to any Person or Corporation to grant any Number of Sites for distinct and separate Schools; but after providing that the Site of each School and Residence do not exceed One Acre, it is also provided that not more than One such Site shall be in the same Parish; and Doubts have been entertained as to the Meaning of this last-recited Proviso: Be it therefore declared and enacted, That nothing in the said Act contained shall prevent any Person or Corporation from granting any Number of Sites for separate and distinct Schools in the same Parish, provided the aggregate Quantity of Land granted by such Person in the same Parish shall not exceed the Extent of One Acre.

IV. And

*Sites for Schools.*

IV. And whereas it would be expedient that the absolute Owners of Land and Tenants in Tail in possession should have the Power of granting Land to a limited Extent for the Purpose of erecting Sites for Schools to be applied and used in and for the Education and Instruction of Persons intended to be Masters or Mistresses of Elementary Schools for poor Persons, without any Risk of such Grant being defeated by the Death of the Grantor: Be it therefore enacted, That it shall be lawful for all Persons, being such absolute Owners or Tenants in Tail in possession as aforesaid, to grant, convey, or enfranchise, by way of Gift, Sale, or Exchange, any Quantity of Land, not exceeding in the whole Five Acres, to any Corporation Sole or Aggregate, or to several Corporations Sole, or to any Trustees whatsoever, to be held, applied, and used by such Corporation or Corporations or Trustees in and for the Erection of School Buildings and Premises thereon for the Purpose of educating and instructing, and of boarding during the Time of such Education and Instruction, Persons intended to be Masters or Mistresses of Elementary Schools for poor Persons, and for the Residence of the Principal or Master or Mistress and other Officers of such Institution; and such Gift, Sale, or Exchange shall be and continue valid, if otherwise lawful, although the Donor or Grantor shall die within Twelve Calendar Months from the Execution thereof: Provided always, that it shall be lawful for the Trustees of such School Buildings and Premises to allow the same to be applied and used, concurrently with the Education and Instruction of such Masters or Mistresses, for the Purpose of boarding other Persons, and of educating and instructing the said Persons in religious and useful Knowledge.

Grants of Land for Sites of Schools by Owners or Tenants in Tail to be valid, although Grantor die within Twelve Months.

V. And whereas the absolute Owners of Land may grant, subject to the Regulations and Provisions prescribed by the Statutes in such Behalf, any Quantity of such Land to Trustees, to be held upon charitable Purposes; and it would be beneficial that they should be authorized to exercise such Power in respect of Lands granted for the Sites or for the Endowment of the last-mentioned Schools, or of Schools for poor Persons, by vesting the same so as to secure it permanently for the Purpose of the Trust, without the Necessity of subsequent Renewals of the Deeds of Trust: Be it therefore enacted, That where any such Person shall be lawfully entitled to convey an Estate in Land to Trustees, to hold the same upon any charitable Use, and shall be desirous of conveying the same for the Purposes of the Acts herein-before referred to, or this Act, or for the Endowment of such Schools, such Person may grant and convey the same to any Corporation or Corporations as aforesaid, to be held in trust for such Purposes, whatever may be the Quantity of Land or Extent of the Estate so to be granted and conveyed.

The Owners of Land empowered to vest any Quantity of Land for Purposes of these Acts in Corporations.

VI. And

Mode of conveying the Lord's Interest and that of the Copyholder in Copyhold Land.

VI. And be it enacted, That where Land of Copyhold or Customary Tenure shall have been or shall be granted for the Purposes of the said Acts, the Conveyance of the same by any Deed wherein the Copyholder shall grant and convey his Interest, and the Lord shall also grant his Interest, shall be deemed to be valid and sufficient to vest the Freehold Interest in the Grantee or Grantees thereof without any Surrender or Admittance or Enrolment in the Lord's Court.

Interpretation Clause.

VII. And be it enacted, That, except in Cases where there shall be something in the Subject or Context repugnant to such Construction, Words occurring in this Act and the above-recited Acts importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number; and Words importing the Masculine Gender only shall include Females; and the Word "Land" shall include Messuages, Houses, Lands, Tenements, Hereditaments, and Heritages of every Tenure; and the Word "Lease" shall include an Under-lease, Agreement for a Lease, and Missive of Lease; and the Word "Owner" shall include any Person or Corporation enabled under the Provisions of the said firstly herein-before mentioned Act to convey Lands for the Purposes thereof.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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such Subdivisions respectively, and also to unite any separate Districts or Sub-Districts within their respective Commissions into One or more Districts, and also, from Time to Time as to them shall seem expedient, to re-arrange, adjust, and partition such Districts and Sub-Districts respectively.

Power to Commissioners to make a separate Rate for each District.

II. And be it enacted, That it shall be lawful for the said Commissioners, after every such Partition, Union, or Re-arrangement of Districts or Sub-Districts as aforesaid, from Time to Time as to the said Commissioners shall seem most expedient, to make a separate and distinct Rate for each and every District or Sub-District now existing or which shall be hereafter constituted under the Provisions of this present Act, such Rate, when collected, to be applied within each such District or Sub-District to and for the several Purposes to which the same may be lawfully applied under the Authority of any of the Acts relating to Sewers or of this Act.

Power to Commissioners to appoint Dyke-reeves for Districts and Sub-Districts.

III. And be it enacted, That it shall be lawful for the said Commissioners from Time to Time to appoint One or more competent Person or Persons, being an Occupier of sewable Lands within their respective Commissions, and qualified as herein-after mentioned, to act as Dyke-reeve within each of such Sub-Districts as aforesaid, and also within each of such Districts as are now existing or shall be hereafter constituted under the Provisions of this present Act or the herein-before mentioned Act, and which shall not be partitioned in manner aforesaid, and to assign and prescribe the Duties and Authorities of such Dyke-reeve, and the Time, not exceeding Five Years, during which he shall perform and exercise the same respectively.

Qualification of Dyke-reeves.

IV. And be it enacted, That every Occupier of not less than Ten Acres of sewable Lands, and being of full Age and sound Mind, shall be qualified and liable to be appointed a Dyke-reeve for the District or Sub-District in which such Lands shall be situate; and the said Commissioners shall from Time to Time cause a full and true List to be prepared and kept of all the Persons so qualified and liable to serve the Office of Dyke-reeve for the several Districts and Sub-Districts within their respective Commissions.

Persons appointed Dyke-reeves compelled to serve Office without Fee or Reward

Penalty on Dyke-reeves refusing to serve.

V. And be it enacted, That it shall be compulsory upon every such Person who shall be appointed by the Commissioners to serve the Office of Dyke-reeve for any such District or Sub-District as aforesaid, either personally or by a Deputy (approved by the Commissioners), to accept such Office, and to perform and discharge the Duties thereof, without Fee or Reward; and if any Person who shall be appointed by the Commissioners to serve the Office of Dyke-reeve shall, after due Notice thereof in Writing, refuse or neglect to take upon himself the Office of Dyke-reeve, or to provide a Deputy to be approved as aforesaid, he shall on Conviction before the said Commissioners forfeit any Sum not exceeding Twenty Pounds, unless he can show good and sufficient Cause to the said Commissioners why he should not be called upon to serve the said Office: Provided always, that every Deputy so approved of and appointed shall have the same Powers and

Authorities, and be subject to the Discharge of the same Duty, as any Dyke-reeve appointed under the Authority of this Act.

VI. And be it enacted, That it shall be lawful for the said Commissioners to impose any Fine not exceeding Forty Shillings, upon the Presentment on Oath of any Dyke-reeve acting within any such District or Sub District as aforesaid, for any Breach of the Law, Acts, Decrees, Orders, Constitutions, and Ordinances of the Commissioners within such District or Sub-District, in the same Manner as they have now the Power to impose any such Fine upon the Presentment of any Sewers Jury, Bailiff, Surveyor, Expenditor, or other Person, which Presentment shall be heard and determined by the said Commissioners, and to proceed for the Recovery of every such Fine, either in the Manner specified in the herein-before mentioned Act, or in the Manner specified in the Section next herein-after contained, as to the said Commissioners shall seem most expedient; and no such Fine shall be liable to be traversed, any Law or Custom to the contrary notwithstanding.

Power to Commissioners to impose Fines not exceeding 40s.

VII. And be it enacted, That for the Purpose of better collecting and recovering the Fines, Amerciaments, Penalties, or Forfeitures imposed by any Commissioners of Sewers, and also the Sewers Rates duly assessed on any sewable Lands lying within the Limits of any Commission of Sewers, it shall and may be lawful for any One Commissioner acting within and for such Limits, upon Complaint of any Expenditor, Dyke-reeve, Collector, or other Officer of Sewers, that any Person liable to the Payment of any such Fine, Amerciament, Penalty, or Forfeiture hath not paid the same, but hath refused so to do, or that any Person duly rated and assessed in One or more such Sewers Rates hath not paid the Sum or Sums thereby charged on such Person, but hath refused so to do, to issue his Summons to such Person to appear, at a Time and Place to be therein specified, before any Two Commissioners acting within and for such Limits, to show Cause why such Person refuses to pay the said Sum or Sums; and upon the Appearance of such Person at the Time and Place appointed as aforesaid, or otherwise upon Proof on Oath or Affirmation to the said Commissioners that such Summons was served on the Person to whom it was so directed, by Delivery to the Party personally or by leaving the same with some Person for him at his last Place of Abode, and also upon like Proof of the Imposition of such Fine, Amerciament, Penalty, or Forfeiture, or of the making of the said Rate, and of the Refusal of such Person to pay the same respectively, it shall be lawful for the said Two or other Commissioners to issue their Warrant to levy the said Sum or Sums, and also the Costs and Expenses incurred in obtaining such Warrant (to be specified therein) and in executing the same, by Distress and Sale of the Goods and Chattels of such Person; and the Overplus arising from the Sale of such Goods and Chattels, after satisfying such Sum of Money and Costs, and the Expenses of the Distress and Sale, shall be returned, on Demand, to the Party whose

For Recovery of Sewers Rates and Fines.

whose Goods shall have been distrained: Provided always, that if no such Distress or Distresses as aforesaid can be found, the same Rates or Fines, Costs, Charges, and Expenses, together with the Costs and Charges of raising and levying the same, shall and may be raised and levied upon and out of the Lands, Tenements, and Hereditaments, within the Limits of the Commission under and by virtue of which the Distress Warrant shall be issued, of or belonging to the Person, Body Politic or Corporate, upon or against whom the Distress Warrant shall be issued, in such and the same Manner as the same would have been leviable if the same Lands, Tenements, or Hereditaments had been lawfully assessed in the Amount or respective Amounts of the same Rates or Fines, Costs, Charges, and Expenses, to or for a lawful Scot, Rate, or Assessment for the Purposes of the same Commission; and the same Lands, Tenements, and Hereditaments shall be subject to all such and the same Orders and Decrees as the same would have been subject to, and such Orders and Decrees shall be of the same Force and Authority, as if the same Rates or Fines, Costs, Charges, and Expenses, were a lawful Scot, Rate, or Assessment as aforesaid and unpaid.

One Warrant may issue against several Rate-payers.

VIII. And be it enacted, That for the Saving of Expense in the levying of any Sum or Sums as aforesaid it shall be lawful to make and issue One Summons and One Warrant of Distress against any Number of Persons refusing to pay the same.

To whom Warrants to be directed.

IX. And be it enacted, That the Warrant aforesaid may be directed to the Bailiff, Expenditor, Dyke-reeve, Collector, or other Sewers Officer within such Limits, and to any other Person or Persons, or to any One or more of them, as by the Two Commissioners of Sewers granting the same shall be deemed fit.

Interpretation of certain Terms.

X. And be it enacted, That for the Purposes of this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there shall be something in the Subject Matter or Context repugnant to such Construction; (that is to say,) Words importing the Singular Number shall extend to the Plural, and Words importing the Plural only shall include the Singular; the Word "Person" shall extend to Bodies Politic, Corporate, or Collegiate; the Word "Lands" shall include Lands and Hereditaments of any Tenure whatsoever; the Word "Oath" shall include Affirmation in case of a Quaker, or other Declaration lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath; the Expression "District" shall extend to any Level, Valley, District, or Limit within the Commission of any Court of Commissioners, and the Expression "Sub-District" to any Partition or Subdivision of any such Level, Valley, District, or Limit.

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to the Parties interested therein; and it has therefore become necessary to make further Provision on that Behalf: And whereas it is also expedient to make Provision for the more regular accounting and official Management of Persons who shall hereafter be served as Tutor of Law, or appointed as Tutor-dative to any Pupil, or be served as Curator or appointed as Tutor-dative to any insane Person or Idiot: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the following Words and Expressions in this Act shall have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) the Expression "Judicial Factor" or "Factor" shall mean Factor loco tutoris, Factor loco absentis, and Curator bonis; the Word "Tutor" shall mean any Person who after the passing of this Act shall be served Tutor of Law to any Pupil, or be appointed Tutor-dative to any Pupil or insane Person or Idiot; the Word "Curator" shall mean any Person who after the passing of this Act shall be served as Curator to any insane Person or Idiot; the Word "Accountant" shall mean the Accountant of the Court of Session, to be appointed under the Authority of this Act; the Expression "Lord Ordinary" shall mean the Lord Ordinary of the Court of Session discharging the Duties of Junior Lord Ordinary in Time of Session, and the Lord Ordinary on the Bills in the Time of Vacation; the Expression "Court of Session" or "Court" shall, excepting as to the Power of passing Acts of Sederunt, mean either Division of the Court of Session; the Word "Estate" shall include all Property and Funds, and all Rights heritable and moveable; the Word "Lands" shall include all heritable Subjects; Words used in the Singular Number shall be held to include several Persons or Things, and Words importing the Masculine Gender shall extend and be applied to Females as well as Males.

Interpretation of Terms in this Act.

Judicial Factor to find Caution for duly performing his Duties.

II. And be it enacted, That every Judicial Factor shall, within such Time after his Appointment as the Court shall direct, find Caution for his duly accounting for his Intromissions and Management, and observing and performing every Duty incumbent upon him as Factor, in Terms of the Rules prescribed or to be prescribed for the Discharge of his Office, and in case of his Failure to do so his Appointment shall fall; and no Factor shall enter upon the Duties of his Office, nor shall an Extract of his Appointment be issued, until after such Caution is found and received as sufficient; and the Factor shall extract his Appointment without Delay.

III. And

III. And be it enacted, That every Judicial Factor shall, as soon as may be after extracting his Appointment, and within Six Months at latest from the Date on which his Bond of Caution shall have been received, lodge with the Accountant a distinct Rental of all Lands committed to his Management, specifying the Rents, Revenues, and Profits of such Lands, the existing Leases, and other Rights affecting the Lands, and the public Burdens and other Burdens thereon, and a List of all Monies and Funds belonging and Debts due to the Estate, specifying the Particulars of each Item, and the Interest or Revenue arising from the same, the Document by which the same is vouched, and the Nature and Value of any Security held for the same, and also an Inventory of any Household Furniture, Farm Stocking, Goods, or Moveables, including Rights moveable, forming Part of the Estate; and he shall, without Delay after extracting his Appointment, recover all Writs and Documents of Importance belonging to the Estate, and collect all Monies due to the same not securely invested, and use all reasonable Diligence in ascertaining the exact Nature and Amount of the Estate placed under his Charge; and he shall produce all such Writs and Documents, and Information so obtained by him, along with the said Rental, List of Funds, and Inventory, to the Accountant, which Rental, List, and Inventory, when adjusted and approved of by the Accountant, shall be signed by him and the Factor, and shall form a Ground of Charge against the Factor; and if at any Time thereafter any new Claims or Property belonging to the Estate shall be discovered, the Factor shall report the same in his next Account of Charge and Discharge to the Accountant, who shall make such Alteration on the Rental, List, and Inventory as may be thereby rendered necessary.

Judicial Factor to lodge with the Accountant a distinct Rental of Lands committed to his Management, a List of Funds, and an Inventory of Moveables, &c.

IV. And be it enacted, That the Factor shall close his Account of Charge and Discharge once in every Year, on a Day to be fixed by the Accountant, and within One Month thereafter shall lodge such Account in the Office of the Accountant, with the Vouchers numbered, and referred to in the Account by Number: Provided always, that it shall be competent for the Accountant, on Cause shown, to prorogate the Time for lodging such Accounts and Vouchers, but in no Case shall such Prorogation extend beyond Three Months from the Day fixed for the closing of the Accounts.

Factor to close his Accounts once a Year, and lodge the same with Accountant.

V. And be it enacted, That the Factor shall lodge the Money in his Hands in some one of the Banks in *Scotland* established by Act of Parliament or Royal Charter, in a separate Account or on Deposit, such Account or Deposit being in his own Name as Judicial Factor on the Estate; and if the Factor shall keep in his Hands more than Fifty Pounds of Money belonging to the Estate for more than Ten Days,

Factor to lodge Monies in one of the Banks of Scotland.

Days, he shall be charged with a Sum to the Estate at the Rate of Twenty Pounds *per Centum per Annum* on the Excess of the said Sum of Fifty Pounds for such Time as it shall be in his Hands beyond the said Ten Days; and, unless the Money has been so kept from innocent Causes, the Factor shall be dismissed from his Office, and shall have no Claim for Commission.

Penalties on Factor for Misconduct.

VI. And be it enacted, That if the Factor shall misconduct himself, or fail in the Discharge of his Duty, he shall be liable to such Fine, and to the Forfeiture of the whole or any Part of his Commission, and to Suspension or Removal from his Office as Factor, and to Payment of Expenses, or to any One or more of such Penalties, as the Court in its Discretion shall decide; and that over and above such further Liability as he may be subject to as accords of Law in reparation of any Loss or Damage sustained by the Estate in consequence of such Misconduct or Failure.

Factor may apply for special Powers.

VII. And be it enacted, That if at any Time it shall appear to the Factor that there is a strong Expediency for granting Abatement of Rent, either temporarily or permanently, or for renewing or granting a Lease for a Period of Years, or for draining, or for erecting Buildings or Fences, or for otherwise improving the Estate in a Manner not coming within the ordinary Course of factorial Management, he shall report the same to the Accountant, who may order any necessary Inquiry, and shall state his Opinion thereon in Writing; and such Report and Opinion may be submitted by the Factor to the Lord Ordinary, with a Note praying for the Sanction of the Court to the Measure proposed; and the Lord Ordinary shall, with or without further Inquiry, report the Matter to the Court, who, if they consider it expedient and consistent with due Regard to the Amount of the Estate at the Time, may sanction the Measure, and the Decision of the Court shall be final, and not subject to Appeal; and if the Estate be held under Entail, it shall be lawful to the Court to authorize the Factor to take Proceedings for constituting as a Charge against the future Heirs of Entail, or otherwise recovering, the Money expended in making any Improvements upon the Estate, under and in Terms of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to encourage the Improvement of Lands, Tenements, and Hereditaments in that Part of* Great Britain *called* Scotland *held under Settlements of strict Entail*, and under and in Terms of an Act passed in the Session of Parliament holden in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act for the Amendment of the Law of Entail in* Scotland; but nothing herein contained shall be held as conferring Power on the Court

10 G. 3. c. 51.

11 & 12 Vict. c. 36.

Court to authorize the Factor to build or enlarge a Mansion House upon the Estate, or to charge the Estate and future Heirs of Entail to a greater Extent than One Half the Amount with which the Heir in possession, if under no Incapacity to act, could have charged the Estate under the said Acts, or either of them; and if any Factor having Charge of the Estate of any Lunatic or other Person incapable of managing his own Affairs shall deem it proper for the Comfort or Welfare of such Person that the whole or a Part of such Estate should be sunk on Annuity, he shall report the Matter to the Accountant, who shall state his Opinion thereon in Writing, and such Report and Opinion shall be submitted by the Factor, with a Note as aforesaid, to the Lord Ordinary, who shall report the Matter to the Court, and it shall be in the Power of the Court to sanction the Measure, and the Decision of the Court shall be final, and not subject to Appeal; and in all other Matters in which special Powers are, according to the existing Practice, in use to be granted by the Court, the Court shall have Power to grant the same in like Manner and Form as is above provided.

Before special Powers, &c. granted, Court to order such Intimation to be made as may be deemed proper.

VIII. And be it enacted, That in all Cases in which Application shall be made to the Lord Ordinary or the Court by any Factor, or other Person having Right to make the same, for special Powers or for the extraordinary Application of Money or Funds or Property belonging to any Estate, the Lord Ordinary or Court shall order such Intimation to be made as may be deemed proper.

Power to appoint Accountant.

IX. And be it enacted, That it shall be lawful for Her Majesty and Her Heirs and Successors to appoint a Person versant in Law and Accounts, to be called The Accountant of the Court of Session, for performing the Duties of that Office, with such yearly Salary, not exceeding Six hundred Pounds, payable quarterly out of the Fee Fund established by this Act, and with such Accommodation of Office Room, or reasonable Allowance for the same out of the said Fund, as may be fixed by the Commissioners of Her Majesty's Treasury, or any Three or more of them, but such Salary shall always be restricted, so as not to exceed the clear existing Proceeds of the aforesaid Fee Fund after deducting all other Charges thereon; and the Accountant shall be allowed Two Clerks, whom he shall appoint, with a Salary not exceeding Two hundred Pounds yearly for the First and One hundred and fifty Pounds yearly for the Second, which Salaries shall also be paid quarterly out of the said Fee Fund; and the Accountant shall hold no other official Situation in the Court, and shall not, directly or indirectly, by himself or any Partner, be engaged in Practice; and he shall not directly or indirectly have any Management of or Intromission with any Money of

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any Estate under Charge of the Court; provided always, that it shall be competent for the Court or for any Lord Ordinary to remit to the Accountant to examine and report in regard to any Matter depending before the Court or such Lord Ordinary, not connected with his official Duties, and in which it shall appear to the Court or such Lord Ordinary that the Report of an Accountant should be obtained, and for such Business the Accountant shall be entitled to reasonable Remuneration.

General Nature of Accountant's Duty;

X. And be it enacted, That the Accountant shall superintend generally the Conduct of all Judicial Factors and Tutors and Curators coming under the Provisions of this Act already appointed or to be hereafter appointed, and shall see that they duly observe all Rules and Regulations affecting them for the Time.

to assign a Day for closing first Account;

XI. And be it enacted, That on the Factor's Bond of Caution being received as sufficient, it shall be transmitted by the Clerk to the Process to the Accountant, who shall forthwith give a written Intimation, dated and signed, to the Factor or his Agent, stating that the Bond has been received, and assigning the Day on which the Factor is to close his first Account, being not less than Six nor more than Eighteen Months from the Date of such Intimation; and on the Death or Insolvency of the Cautioner of any Factor such Factor shall forthwith give Notice in Writing to the Accountant of such Death or Insolvency, and the Accountant shall, as soon as the Fact shall come to his Knowledge, by means of such Notice or otherwise, require new Caution to be found.

to adjust the Rental, List, and Inventory;

XII. And be it enacted, That the Accountant shall see that the Factor lodges a Rental, List, and Inventory in Terms of this Act, and shall, along with the Factor or his Agent, examine, verify, and adjust, and with the Factor sign the same, and shall ascertain the Circumstances of the Estate, and call for all necessary Documents, so as to form a clear Rule of Charge against the Factor at the Commencement of his Office, and the Accountant shall retain such Rental, List, and Inventory.

and to audit the Accounts.

XIII. And be it enacted, That the Accountant shall see that the Factor's Accounts of Charge and Discharge, with the Vouchers thereof, are duly lodged, and shall thereafter examine the same without undue Delay, and audit the Account on the general Principles of good ordinary Management for the real Benefit of the Estate and of those interested therein, and he shall consider the Investments of the Estate and the Sufficiency thereof, and he shall be entitled to require from the Factor all necessary Information and Evidence, and he shall fix the Amount of the Factor's Commission for the Period embraced by the Audit

Audit according to his Opinion of what is just in each particular Case, and he shall strike the Balance and shall state the Result of his Audit in the Form of a short Report, and if he has made any Corrections on the Account, he shall, if required by the Factor, explain such Corrections and his Reasons for making them.

Rules of exact Diligence may be dispensed with.

XIV. And be it enacted, That the Accountant shall have Power, upon Report to and with the Approval of the Lord Ordinary, where the Sum involved exceeds Twenty Pounds, and without such Report and Approval where the Sum involved is less than Twenty Pounds, to dispense with the Rules of exact Diligence in any Matter of factorial Management.

Accountant's Report conclusive against Factor, if not objected to, and if Objections, how to be disposed of.

XV. And be it enacted, That the Accountant's Audit and Report shall be conclusive against the Factor and his Cautioner if written Objections shall not be lodged by the Factor with the Accountant within Twenty Days from the Date of such Audit and Report being communicated to the Factor; but if Objections be lodged, the Accountant shall consider the same, and may alter his Report if he sees Cause; and unless the Objections are allowed or departed from, the Account and Report and whole Proceedings shall be transmitted by the Accountant to the Lord Ordinary, who shall call the Factor or his Agent, and if necessary the Accountant, before him at Chambers in reference thereto, and the Lord Ordinary or the Court, if the Matter shall be reported or brought under Review, may affirm, vary, or reverse the Audit and Report of the Accountant, and may reserve any Question or Questions which are raised in the Objections for the Factor till the final Audit of his Accounts, directing the Account to be balanced for the present, as the Lord Ordinary or the Court may think expedient and just; and no Judgment of the Lord Ordinary, pronounced as aforesaid, shall be subject to Review at the Instance of the Accountant, nor, in case the Lord Ordinary shall reserve any Question as aforesaid, shall it be competent to the Factor to reclaim against such Reservation; but in case the Lord Ordinary shall decide against the Factor, he may bring the Interlocutor under Review of the Court, by a short Note of Appeal from the Lord Ordinary's Judgment, and the Judgment of the Court shall not be subject to Appeal at this Stage nor till the Termination of the Factory, without the Leave of the Court: Provided always, with reference to such Discussion between the Accountant and the Factor, that at the Audit of the Factor's Accounts, at the Termination of his Factory, it shall be competent to the Factor and his Representatives, or to any succeeding Factor, or to any Parties beneficially interested in the Estate, to enter upon such Matter of Objection, if the same has been reserved, but if the same has been decided by the Lord Ordinary or the Court, the

the Decision shall not be opened up except upon Cause shown; and the Factor shall not be entitled to charge the Expense of any such Proceedings against the Estate, without the special Authority of the Lord Ordinary or the Court.

Cautioner may be heard before the Accountant.

XVI. And be it enacted, That it shall be lawful for the Cautioner to appear and be heard before the Accountant during the course of the Audit, or to state Objections to the Audit within Twenty Days from the Date of the Report being intimated to the Factor as aforesaid, unless the Accountant shall grant further Time, not exceeding Six Weeks; and for the Purpose of stating such Objections the Accountant shall, if required, furnish to the Cautioner a Copy of his Report, and the Expense of such Copy, and of any Discussion that shall take place during or after the Audit at the Instance of the Cautioner, shall be borne by the Cautioner, and not by the Estate: Provided always, that no Objection stated on the Part of the Cautioner shall be any Ground for delaying any Consignation of any Balance ordered by the Accountant or otherwise giving immediate Effect to the Audit.

Parties interested may, upon Cause shown, open up Audit of Accounts.

XVII. And be it enacted, That, either at the Termination of the Factory or during its Subsistence, it shall be competent for any Party beneficially interested in the Estate, or for any succeeding Factor, to make Appearance, and upon Cause shown to open up the Audit of all Accounts which have been audited by the Accountant in Absence of such Party or succeeding Factor, and also all Questions in the Accounting which have either not been submitted to the Decision of the Lord Ordinary or the Court or been reserved, and also all Questions which have been decided merely as between the Accountant and the Factor or between the Factor and some other Beneficiary, reserving always to the Factor and his Representatives their Answers and Defences as accords of Law; but if such Party or succeeding Factor shall so appear, and such Question shall be opened up and decided, the Judgment, if pronounced between the Factor and a Party beneficially interested, shall be final and conclusive as between them and their Representatives, and if pronounced between the Factor and succeeding Factor, shall be final and conclusive against the Factor and the Estate.

Accountant to make an annual Report of all Judicial Factories, which shall be printed.

XVIII. And be it enacted, That the Accountant shall make an annual Report to the Court of Session, containing such Particulars as he may think fit, or as the Court may by Act of Sederunt or otherwise require, of all Judicial Factories, whether granted before or after the passing of this Act, then subsisting or remaining unsettled, and of his own Proceedings in reference to the same, and such annual Report shall be printed at the Cost of the Fee Fund established by this Act.

XIX. And

XIX. And be it enacted, That the Accountant shall make all such Requisitions or Orders on the Factor as he may consider necessary; and if such Requisition or Order shall be disobeyed or neglected, he shall report the same to the Lord Ordinary, giving previous Notice to the Factor or his Agent, who shall lodge Objections in Writing, if he any has, within Forty-eight Hours after such Notice; and the Lord Ordinary is hereby empowered, on considering such Requisition or Order with the Objections thereto, if any, to recal or vary, confirm or repeat such Requisition or Order; and the Interlocutor of the Lord Ordinary shall be final and conclusive against the Accountant, and also against the Factor, unless he shall, at the Time of pronouncing Judgment, give Notice of his Intention to bring the Judgment under Review, in which Case the Lord Ordinary shall dispose of the Matter of Expenses and give any Interim Order that may be necessary, which Interim Order shall not be subject to Review.

Accountant to make Requisitions and Orders on the Factor;

XX. And be it enacted, That the Accountant shall, at all Times when requisite, report to the Lord Ordinary or the Court any Disobedience of any Requisition or Order, and any Misconduct or Failure in Duty on the Part of a Factor, or any Claims arising against a dismissed Factor or a Factor's Cautioner, or against the Representatives of a Factor or Cautioner deceased; and it shall be competent for the Lord Ordinary or the Court, on the Accountant's Report, to deal immediately with the Matter as accords of Law.

and to report to the Lord Ordinary or the Court the Factor's Failure in Duty.

XXI. And be it enacted, That if the Accountant shall possess Information that shall lead him on reasonable Grounds to suspect Malversation or Misconduct on the Part of the Factor, such as may infer Removal or Punishment, he shall be entitled to lay a Case before Her Majesty's Advocate, who shall have Power to direct such Inquiry and to take such Proceedings by Petition and Complaint, or otherwise, as he shall think proper.

When Malversation reasonably suspected, a Case to be submitted to Her Majesty's Advocate.

XXII. And be it enacted, with regard to all Factories subsisting at the Date of the passing of this Act, That if no Inventory and Rental has been lodged in Terms of the aforesaid Act of Sederunt, the Factor shall forthwith, after the passing of this Act, lodge a Rental, List of Funds, and Inventory of Moveables in manner provided by this Act, and the same shall be adjusted and signed as also hereinbefore provided; and if his Accounts shall be in arrear, he shall forthwith lodge the same, with the Vouchers, in the Manner provided by this Act, and the Accountant shall audit his Accounts in so far as not already audited; and the Factor shall, in reference to all Monies which may come into his Hands after the passing of this Act, consign the same in Bank, in manner and under the Penalties herein provided;

Provision as to Factories constituted before the passing of the Act.

and in reference to any Balance which may be in his Hands at the Date of the passing of this Act, he shall consign the same in Bank at latest before the First Day of *June* One thousand eight hundred and fifty, after which Date the Provisions of this Act for consigning Money shall apply to such Factor in all respects; and in all other respects the whole Provisions of this Act shall take effect from and after the passing thereof, in regard to Factories constituted before the passing of this Act, in so far as the same admit of Application thereto.

Provision as to past Factories informally settled or desperate.

XXIII. And be it enacted, in regard to all Factories constituted before the passing of this Act, That any Settlement made of any such Factory, though informal, shall be held as a *primâ facie* Discharge to the Factor, and the Accountant shall not report the same as a subsisting Factory, or require further Proceedings therein, but reserving the Right of all Parties interested in the Estate to show Cause to the Accountant or the Court why such Settlement should not be held as a Discharge to the Factor, in which Case, if the Cause shown shall be satisfactory to the Accountant or the Court, the Factory shall be held as subsisting and be proceeded with; and in any such Factory in which, though there has been no Settlement, it shall appear that no Benefit is likely to be derived by the Parties interested in the Estate from farther Proceedings therein, and no Party interested shall make Appearance and require such Proceedings, the Accountant shall place amongst the Papers connected with the Estate a Memorandum of the Circumstances, and shall state in his Report that further Proceedings are for the present unadvisable.

Power to Treasury to appoint additional Clerks to bring up Arrears.

XXIV. And whereas there is at present a great Arrear in auditing the Accounts of Judicial Factors in the Factories now existing, and it may be beyond the Power of the Accountant to bring up such Arrear with the Aid only of his ordinary Establishment: Be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Three or more of them, to appoint such additional Clerks as may be required for that Purpose, but during such Time only as such additional Assistance shall be required for such Purpose, and to permit such Clerks to be remunerated out of the Fee Fund hereby established by Salary or otherwise.

Provisions of the Act made applicable to Tutors of Law, Tutors-dative, and Curators to Insane Persons.

XXV. And be it enacted, That except as to the Mode of Appointment and Caution, the Provisions of this Act relating to Judicial Factors, or relating to the Office, Powers, and Duties of the Accountant appointed by this Act, shall be applicable, in so far as the same admit of Application, to every Person who, after the passing of this Act, shall be served Tutor of Law to any Pupil, or appointed Tutor-dative to any Pupil or Insane Person or Idiot, or served Curator to any Insane Person or Idiot.

XXVI. And

XXVI. And be it enacted, That, from and after the passing of this Act, in every Service of a Person as Tutor of Law to a Pupil, or as Curator to an Insane Person or Idiot, there shall, besides the Obligations usually inserted therein, be inserted in the Bond of Caution taken by the Clerk in such Service an Obligation to observe and perform every Duty incumbent on such Person, in Terms of the Rules prescribed or to be prescribed for the Discharge of his Office in all respects, together with a Consent to Registration in the Books of Council and Session for Execution; and such Bond of Caution shall be transmitted, with the other Steps of Procedure, to the Director of Chancery, who shall forthwith transmit the same to the Accountant; and no Extract of the Retour in such Service shall be given out, nor any Letters of Tutory or Curatory be issued thereon, until such Bond of Caution shall have been received by the Director of Chancery; and in Bonds of Caution to be taken in the Court of Exchequer from Tutors-dative to Pupils or Insane Persons or Idiots there shall, besides the usual Obligations, be inserted an Obligation to the Effect aforesaid; and such Bonds of Caution shall remain in the Court of Exchequer, according to the Rules of that Court.

**Bonds of Caution for Tutors and Curators.**

XXVII. And be it enacted, That it shall be lawful for the Court of Session or Court of Exchequer, as the Case may be, to limit upon Cause shown the Caution to be found by Factors and Tutors and Curators to a specified Amount, and also to authorize, if they shall deem it expedient, Bonds or Policies of the *British* Guarantee Association, or other public Company incorporated by Act of Parliament or Royal Charter carrying on Guarantee Business within *Scotland*, to be accepted and taken instead of Bonds of Caution by private Individuals.

**Amount of Caution for Factors, &c. may be limited, and Bonds of Caution by Guarantee Associations, &c. taken.**

XXVIII. And be it enacted, That whenever the Director of Chancery shall issue Letters of Tutory or Curatory, proceeding on any Service or Gift dated after the passing of this Act, he shall transmit a certified Copy of such Letters to the Accountant, who, after making an Entry thereof in his Books, shall transmit the same to One of the Principal Clerks of Session in order of Seniority and by Rotation; and such certified Copy, when so transmitted, shall be held as establishing a summary Process in regard to the Estate to which such Letters relate before that Division of the Court to which such Clerk shall belong, to the same Effect as if the Tutor or Curator to whom such Letters are issued had been appointed Judicial Factor by the Court on a Petition in ordinary Form; and such certified Copy shall be held for the Purposes of this Act as equivalent to such Appointment.

**Certified Copy of Letters of Tutory or Curatory to form the Basis of a summary Process.**

XXIX. And

Tutors, &c. served before the passing of this Act may put themselves under its Provisions.

XXIX. And be it enacted, That any Person who before the passing of this Act shall have been served Tutor of Law to any Pupil, or appointed Tutor-dative to any Pupil or Insane Person or Idiot, or served Curator to any Insane Person or Idiot, shall with Consent of his Cautioner have Right at any Time during the Continuance of his Office to place himself and his Cautioner and the Estate under the Provisions of this Act, by presenting to the Director of Chancery a written Statement of his Desire to that Effect, signed by himself and his Cautioner and duly attested, and the Director of Chancery shall retain such Statement, and shall transmit a certified Copy thereof, and of the Letters of Tutory or Curatory issued to the Applicant, to the Accountant, who shall transmit the same to one of the Principal Clerks of Session in the Manner aforesaid, and such certified Copies when so transmitted shall be held as establishing a summary Process in regard to the Estate as aforesaid, and the whole Provisions of this Act shall thereafter be applicable to the said Tutor or Curator and his Cautioner and the Estate in the same Manner as if such Tutor or Curator had been served or appointed after the passing of this Act, and the Tutor or Curator and his Cautioner shall be held as bound for due Fulfilment of all the Provisions of this Act accordingly.

Rental, List, and Inventory to be equivalent to tutorial or curatorial Inventory.

XXX. And be it enacted, That the Rental, List, and Inventory lodged with the Accountant in Terms of this Act by any Tutor or Curator as aforesaid shall be held as equivalent to the tutorial or curatorial Inventory directed to be given up by an Act of the *Scottish* Parliament, passed in the Year One thousand six hundred and seventy-two, intituled *Act concerning Pupils and Minors, and their Tutors and Curators;* and the Report of any additional Funds or Property belonging to the Pupil or Insane Person or Idiot, in Terms of this Act, shall be held as equivalent to an Eik to a tutorial or curatorial Inventory in Terms of the said recited Act which is hereby repealed, in so far as may be necessary to give Effect to these Enactments, but no farther.

Resignation and Removal of Tutors and Curators.

XXXI. And be it enacted, That the Court shall have Power, on Cause shown, to remove or accept the Resignation of any Tutor or Curator coming under the Provisions of this Act, and to appoint a Factor loco tutoris or Curator bonis in his Room.

Remuneration and Responsibility of Factors and Curators not altered.

XXXII. And be it enacted, That nothing herein contained shall be held to confer on any such Tutor or Curator a Right not now existing in Law to Remuneration for the Discharge of the Duties attached to his Office, or to limit his Powers or alter the Rules of his Responsibility

sibility as by Law now existing, excepting in so far as is herein expressly provided.

XXXIII. And be it enacted, That the Accountant shall have Power to require the Officers of any Bank with which any Factor or Tutor or Curator shall have opened an Account for the Estate under his Care, to exhibit all Entries in the Books of such Bank connected with such Estate, and the Officers of such Bank are hereby required to exhibit the same accordingly, and to allow the Accountant to take such Copies thereof as he may require.

Power to Accountant to require Information from Banks.

XXXIV. And be it enacted, That it shall be competent for any Factor, Tutor, or Curator, at the Termination of his Office, to present a Petition to the Court for his Discharge, calling all Persons interested in the Estate, so far as known to him, as Parties to such Petition, and the Court shall order such Intimation and Service as they may think fit; and it shall be competent to any Persons so called, or to any other Persons showing Right and Interest, to appear as Parties, and upon Cause shown to open up the Audit of the Factor's Accounts, and thereafter, and after receiving the Report of the Accountant, and making any further Inquiry which may be necessary, the Court shall pronounce Judgment thereon; and such Judgment, if it shall discharge such Factor, Tutor, or Curator, shall be final and conclusive against all Parties concerned, though pronounced in Absence, provided the same shall not be opened up as a Decree in Absence in the Court of Session within the Time limited for appealing to the House of Lords, or shall not be appealed from within that Time.

Discharge of Factors, Tutors, and Curators.

XXXV. And be it enacted, That the Accountant shall be the Custodier of all Bank Deposit Receipts and other Vouchers for Sums of Money already placed or to be hereafter placed in Bank under Authority of the Court, and of all judicial Bonds of Caution and other judicial Bonds granted or to be granted under the Authority of the Court or any of the Judges thereof, or in reference to the Business thereof, and all other Documents of a like Nature, which, according to the present Law or Practice, are entrusted to the keeping of the senior Principal Clerk of Session, who, after the Commencement of this Act, shall cease to discharge his present Duty as Custodier of such Documents, and shall transfer all such Documents as are in his Possession to the Accountant; and thereafter the Clerk in each Process in which Consignation is made shall lodge all such Bank Receipts and Bonds or Vouchers in the Hands of the Accountant, whose Acknowledgment therefor shall be an Acquittance to such Clerk.

Accountant to be Custodier of Bank Receipts.

Records in the Accountant's Office to be open for Inspection.

XXXVI. And be it enacted, That the whole Records and Papers relating to Factories, Tutories, and Curatories retained in the Accountant's Office shall be open to Inspection on Payment of such Fees as may be fixed by the Court; but shall remain in the Office, and not be lent out unless under Authority of the Court or of the Lord Ordinary, and Copies therefrom, attested by the Accountant, shall have the same Authority as the Originals themselves, and shall be furnished to any Party requiring the same, on Payment therefor of such Fees as may be fixed by the Court; and such Fees for Inspection and attested Copies shall be paid weekly by the Accountant into the Fund herein-after established.

Banks to accumulate Principal and Interest on Accounts and Deposits.

XXXVII. And be it enacted, That from and after the passing of this Act every Bank in *Scotland* with which any Money shall have been or shall be deposited or lodged by any Judicial Factor, Tutor, or Curator, or under Authority of any Court in *Scotland*, or with reference to any Suit in any Court in *Scotland*, whether on Deposit Receipt or on Account Current, or otherwise, shall once at least in every Year accumulate the Interest with the Principal Sum, so that both shall thereafter bear Interest together as Principal; and any Bank failing so to do shall be liable to account as if such Money had been so accumulated.

Provision for Accountant's Illness or temporary Absence.

XXXVIII. And be it enacted, That in case of the Illness or temporary Absence of the Accountant the Lord President of the Court of Session, or other Judge acting as President for the Time, may authorize any one of the Accountant's Clerks or other qualified Person to discharge the Duties of the Accountant for the Time.

Establishment of Fee Fund.

XXXIX. And be it enacted, That for establishing the Fee Fund herein-before mentioned there shall be payable by each Estate under charge of a Judicial Factor, and by each Estate of a Pupil to whom a Tutor of Law shall hereafter be served, and by the Estate of every Pupil, Insane Person, or Idiot to whom a Tutor-dative shall hereafter be appointed, and by the Estate of every Insane Person or Idiot to whom a Curator shall hereafter be served as aforesaid, and by all other Estates or Parties whom the Court may deem to have Benefit from the Services of the Accountant, such Fees as shall from Time to Time be authorized by the Court, having due Regard to the Sums required for the Purposes of this Act, and to the Interests of the Estates to be benefited thereby; and such Fees shall be lodged by the Accountant at least once in every Week in that Bank in *Edinburgh* which for the Time shall be employed by Government to transact its Business there; and such Fees, with any Interest accruing thereon, shall form a Fee Fund, out of which the Accountant shall draw

draw and pay his own Salary and the other Salaries herein directed to be paid, and the whole Expenses attending his Office and Duties; and the Accountant shall annually exhibit an Account of his Intromissions with the said Fee Fund to the Queen's and Lord Treasurer's Remembrancer of the Court of Exchequer in *Scotland*, who is hereby required to examine and audit such Account, and thereafter to submit the same to the Lord President of the Court of Session with a view to the Re-consideration by the Court of the Fees then in use to be charged, and such Fees shall be so regulated, increased, or diminished by the Court from Year to Year, or oftener, as to keep up the Fee Fund to an Amount sufficient for answering the Charges thereon, and for providing such reserved Fund as may be necessary to meet the current and contingent Expenses of the Establishment; and any Surplus arising on such Fee Fund shall be paid over to the said Queen's and Lord Treasurer's Remembrancer, and remain in his Hands to meet the future Charges on such Fee Fund; and the Accountant shall enter into Bond to Her Majesty with Surety for his Intromissions to the Satisfaction of the said Queen's and Lord Treasurer's Remembrancer, and to such Amount, and either by a public Company or private Individual, as to him may seem proper.

**Power to pass Acts of Sederunt.**

XL. And be it enacted, That it shall be competent to the Court of Session, and they are hereby authorized and required, from Time to Time to pass such Acts of Sederunt as shall be necessary or proper for the further Regulation of the Manner of appointing Judicial Factors, and the Manner of discharging their Duty, and the Manner of discharging the Duties of the Accountant, and the Manner of applying the Provisions of this Act to the Case of Tutors and Curators, and the Forms of Process to be used in pursuance of this Act, and the Manner of verifying by Affidavit, Declaration, Certificate, or otherwise the Sufficiency of the Caution offered for Factors, Tutors, and Curators, and all other Matters requisite for more effectually carrying out the Purposes of this Act.

**Act may be amended, &c.**

XLI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

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# VICTORIÆ REGINÆ.

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Proceedings may be had during such Suspension by Order in Council.

II. Provided always, and be it enacted, That it shall be lawful for Her Majesty by any Order in Council to direct that any Proceedings shall be had at any Time before the Expiration of such Period as aforesaid, either for the giving of Notices and making Returns and preparing Lists, and also for the proceeding to ballot and enrol Men for the filling up Vacancies in the Militia of the United Kingdom or any Part thereof, as Her Majesty shall deem expedient; and upon the issuing of any such Order all such Proceedings shall be had for carrying into execution all the Provisions of the Acts in force in *England*, *Scotland*, and *Ireland* respectively, relating to the giving Notices for and Returns for Lists, and for the balloting and enrolling of Men to supply any Vacancies in the Militia, and holding General and Subdivision Meetings for such Purpose, at such Times respectively as shall be expressed in any such Order in Council, or by any Directions given in pursuance thereof, to Lord Lieutenants, or Deputy Lieutenants acting for Lord Lieutenants, of the several Counties, Shires, Ridings, Cities, and Places in *Great Britain*, or to the Governors and Deputy Governors of Counties and Places in *Ireland*, or to the Warden and special Deputy Wardens of the Stannaries; and all the Provisions of the several Acts in force in *England*, *Scotland*, and *Ireland*, respectively, relating to the Militia and Corps of Miners in *Cornwall* and *Devon*, shall upon any such Order and Direction, given in pursuance thereof, become and be in full Force and be carried into execution at the Period specified in such Order or Direction as aforesaid, with all such Penalties and Forfeitures for any Neglect thereof, as fully as if such Periods had been fixed in the Acts relating to such Militia and Miners.

Act to extend to Wardens of Stannaries and to Corps of Miners.

III. And be it enacted, That this Act shall be construed to extend to the Warden and special Deputy Wardens of the Stannaries and Corps of Miners in *Cornwall* and *Devon*, as fully as if they were severally repeated in every Clause, Provision, Direction, and Authority herein contained.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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*Year of the Reign of His Majesty King* George *the Second, for better regulating the Payment of Fees of Attornies and Solicitors, and other Purposes therein mentioned,* be and the same are hereby repealed, save so far as such Acts or Parts of Acts, or any of them, repeal the whole or any Part of the same or any other Act or Acts, and also save and except so far as relates to any Matters or Things done at any Time before the passing of this Act, all which Matters and Things shall be and remain good, valid, and effectual to all Intents and Purposes whatsoever as if this Act had not passed, and also save and except as to the Recovery and Application of any Penalty for any Offence which shall have been committed before the passing of this Act.

Attornies and Solicitors not to commence an Action for Fees until One Month after Delivery of their Bill.

II. And be it enacted, That from and after the passing of this Act no Attorney or Solicitor, nor any Executor, Administrator, or Assignee of any Attorney or Solicitor, shall commence or maintain any Action or Suit for the Recovery of any Fees, Charges, or Disbursements for any Business done by such Attorney or Solicitor, until the Expiration of One Month after such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, shall have delivered unto the Party to be charged therewith, or sent by the Post to or left for him at his Counting-house, Office of Business, Dwelling House, or last known Place of Abode, a Bill of such Fees, Charges, and Disbursements, and which Bill shall either be subscribed with the proper Hand of such Attorney or Solicitor (or, in the Case of a Partnership, by any of the Partners, either with his own Name or with the Name or Style of such Partnership), or of the Executor, Administrator, or Assignee of such Attorney or Solicitor, or be enclosed in or accompanied by a Letter, subscribed in like Manner, referring to such Bill; and upon the Application of the Party chargeable by such Bill within such Month it shall be lawful, in case the Business contained in such Bill or any Part thereof shall have been transacted in the High Court of Chancery, or in any other Court of Equity, or in any Matter of Bankruptcy or Lunacy, or in case no Part of such Business shall have been transacted in any Court of Law or Equity, for the Lord High Chancellor or the Master of the Rolls, and in case any Part of such Business shall have been transacted in any other Court, for the Courts of Queen's Bench, Common Pleas, or Exchequer, or any Judge of either of them, and they are hereby respectively required, to refer such Bill, and the Demand of such Attorney or Solicitor, Executor, Administrator, or Assignee, thereupon, to be taxed and settled by the proper Officer of the Court in which such Reference shall be made, without any Money being brought into Court, and the Court or Judge making such Reference shall restrain such Attorney or Solicitor, or Executor, Administrator, or Assignee of such

On Application within One Month, Bills, whether relating to Business transacted in any particular Court or not, may be referred to the proper Officer for Taxation

such Attorney or Solicitor, from commencing any Action or Suit touching such Demand pending such Reference; and in case no such Application as aforesaid shall be made within such Month as aforesaid, that it shall be lawful for such Reference to be made as aforesaid either upon the Application of the Attorney or Solicitor, or the Executor, Administrator, or Assignee of the Attorney or Solicitor, whose Bill may have been so as aforesaid delivered, sent, or left, or upon the Application of the Party chargeable by such Bill with such Directions, and subject to such Conditions as the Court or Judge making such Reference shall think proper; and such Court or Judge may restrain such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, from commencing or prosecuting any Action or Suit touching such Demand pending such Reference, upon such Terms as shall be thought proper: Provided always, that no such Reference as aforesaid shall be directed upon an Application made by the Party chargeable with such Bill after a Verdict shall have been obtained or a Writ of Inquiry executed in any Action for the Recovery of the Demand of such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, or after the Expiration of Twelve Months after such Bill shall have been delivered, sent, or left as aforesaid, except under special Circumstances, to be proved to the Satisfaction of the Court or Judge to whom the Application for such Reference shall be made; and upon every such Reference, if either the Attorney or Solicitor, or Executor, Administrator, or Assignee of the Attorney or Solicitor, whose Bill shall have been delivered, sent, or left, or the Party chargeable with such Bill, having due Notice, shall refuse or neglect to attend such Taxation, the Officer to whom such Reference shall be made may proceed to tax and settle such Bill and Demand *ex parte*; and in case any such Reference as aforesaid shall be made upon the Application of the Party chargeable with such Bill, or upon the Application of such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, and the Party chargeable with such Bill shall attend upon such Taxation, the Costs of such Reference shall, except as herein-after provided for, be paid according to the Event of such Taxation; that is to say, if such Bill when taxed be less by a Sixth Part than the Bill delivered, sent, or left, then such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, shall pay such Costs; and if such Bill when taxed shall not be less by a Sixth Part than the Bill delivered, sent, or left, then the Party chargeable with such Bill, making such Application or so attending, shall pay such Costs; and every Order to be made for such Reference as aforesaid shall direct the Officer to whom such Reference shall be made to tax such Costs of such Reference to be so paid as aforesaid, and to certify what upon

As to Taxation if Application not made till after One Month.

No Taxation after Twelve Months, except under special Circumstances.

Payment of Costs of Taxation.

upon such Reference shall be found to be due to or from such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, in respect of such Bill and Demand, and of the Costs of such Reference, if payable: Provided also, that such Officer shall in all Cases be at liberty to certify specially any Circumstances relating to such Bill or Taxation, and the Court or Judge shall be at liberty to make thereupon any such Order as such Court or Judge may think right respecting the Payment of the Costs of such Taxation: Provided also, that where such Reference as aforesaid shall be made when the same is not authorized to be made, except under special Circumstances, as herein-before provided, then the said Court or Judge shall be at liberty, if it shall be thought fit, to give any special Directions relative to the Costs of such Reference: Provided also, that it shall be lawful for the said respective Courts and Judges, in the same Cases in which they are respectively authorized to refer a Bill which has been so as aforesaid delivered, sent, or left, to make such Order for the Delivery, by any Attorney or Solicitor, or the Executor, Administrator, or Assignee of any Attorney or Solicitor, of such Bill as aforesaid, and for the Delivery up of Deeds, Documents, or Papers in his Possession, Custody, or Power, or otherwise touching the same, in the same Manner as has heretofore been done as regards such Attorney or Solicitor by such Courts or Judges respectively where any such Business had been transacted in the Court in which such Order was made: Provided also, that it shall not in any Case be necessary, in the first instance, for such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, in proving a Compliance of this Act, to prove the Contents of the Bill he may have delivered, sent, or left, but it shall be sufficient to prove, that a Bill of Fees, Charges, or Disbursements, subscribed in the Manner aforesaid, or enclosed in or accompanied by such Letter as aforesaid, was delivered, sent, or left in manner aforesaid; but nevertheless it shall be competent for the other Party to show that the Bill so delivered, sent, or left was not such a Bill as constituted a *bonâ fide* Compliance with this Act: Provided also, that it shall be lawful for any Judge of the Superior Courts of Law or Equity to authorize an Attorney or Solicitor to commence an Action or Suit for the Recovery of his Fees, Charges, or Disbursements against the Party chargeable therewith, although One Month shall not have expired from the Delivery of a Bill as aforesaid, on Proof to the Satisfaction of the said Judge that there is probable Cause for believing that such Party is about to quit *Ireland*.

Payment of Sum found due.

Courts may order Attorney or Solicitor to deliver his Bill, and deliver up Deeds, &c.

Evidence of Delivery of Bill.

Power to Judge to authorize Action before Expiration of One Month.

Bills may be taxed upon Application of Third Parties.

IV. And be it enacted, That where any Person not the Party chargeable with any such Bill within the Meaning of the Provisions herein-before contained shall be liable to pay or shall have paid such Bill,

Bill, either to the Attorney or Solicitor, his Executor, Administrator, or Assignee, or to the Party chargeable with such Bill as aforesaid, it shall be lawful for such Person, his Executor, Administrator, or Assignee, to make such Application for a Reference for the Taxation and Settlement of such Bill as the Party chargeable therewith might himself make; and the same Reference and Order shall be made thereupon, and the same Course pursued in all respects, as if such Application was made by the Party so chargeable with such Bill as aforesaid: Provided always, that in case such Application is made when under the Provisions herein contained a Reference is not authorized to be made, except under special Circumstances, it shall be lawful for the Court or Judge to whom such Application shall be made to take into consideration any additional special Circumstances applicable to the Person making such Application, although such Circumstances might not be applicable to the Party so chargeable with the said Bill as aforesaid if he were the Party making the Application.

Lord Chancellor may direct Taxation of Bills chargeable on Executors

IV. And be it enacted, That it shall be lawful, in any Case in which a Trustee, Executor, or Administrator has become chargeable with any such Bill as aforesaid, for the Lord High Chancellor or the Master of the Rolls, if in his Discretion he shall think fit, upon the Application of a Party interested in the Property out of which such Trustee, Executor, or Administrator may have paid or been entitled to pay such Bill, to refer the same, and such Attorney's or Solicitor's, or Executor's, Administrator's, or Assignee's Demand thereupon, to be taxed and settled by the proper Officer of the High Court of Chancery, with such Directions and subject to such Conditions as such Judge shall think fit, and to make such Order as such Judge shall think fit for the Payment of what may be found due, and of the Costs of such Reference, to or by such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, by or to the Party making such Application, having regard to the Provisions herein contained relative to Applications for the like Purpose by the Party chargeable with such Bill, so far as the same shall be applicable to such Cases; and in exercising such Discretion as aforesaid the said Judge may take into consideration the Extent and Nature of the Interest of the Party making the Application: Provided always, that where any Money shall be so directed to be paid by such Attorney or Solicitor, or the Executor, Administrator, or Assignee of such Attorney or Solicitor, it shall be lawful for such Judge, if he shall think fit, to order the same or any Part thereof to be paid to such Trustee, Executor, or Administrator so chargeable with such Bill, instead of being paid to the Party making such Application; and when the Party making such Application shall pay any Money to such

Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, in respect of such Bill, he shall have the same Right to be paid by such Trustee, Executor, or Administrator so chargeable with such Bill as such Attorney or Solicitor, or Executor, Administrator, or Assignee of such Attorney or Solicitor, had.

Copy of Bill to be delivered to Person making Application for Reference for Taxation.

V. And be it enacted, That for the Purpose of any such Reference, upon the Application of the Person not being the Party chargeable within the Meaning of the Provisions of this Act as aforesaid, or of a Party interested as aforesaid, it shall be lawful for such Court or Judge to order any such Attorney or Solicitor, or the Executor, Administrator, or Assignee of any such Attorney or Solicitor, to deliver to the Party making such Application a Copy of such Bill, upon Payment of the Costs of such Copy: Provided always, that no Bill which shall have been previously taxed and settled shall be again referred, unless under special Circumstances the Court or Judge to whom such Reference is made shall think fit to direct a Re-taxation thereof.

No Re-taxation, except under special Circumstances.

Payment of Bill not to preclude Taxation.

VI. And be it enacted, That the Payment of any such Bill as aforesaid shall in no Case preclude the Court or Judge to whom Application shall be made from referring such Bill for Taxation, if the special Circumstances of the Case shall, in the Opinion of such Court or Judge, appear to require the same, upon such Terms and Conditions and subject to such Directions as to such Court or Judge shall seem right, provided the Application for such Reference be made within Twelve Calendar Months after Payment.

Power for Taxing Officer to request Officers of other Courts to tax Portions of the Bill.

VII. And be it enacted, That in all Cases in which such Bill shall have been referred to be taxed and settled the Officer to whom such Reference is made shall be at liberty to request the proper Officer of any other Court having such an Officer to assist him in taxing and settling any Part of such Bill, and such Officer so requested shall thereupon proceed to tax and settle the same, and shall have the same Powers in respect thereof as upon a Reference to him by the Court of which he is such Officer, and shall return the same, with his Opinion thereon, to the Officer who shall have so requested him to tax and settle the same.

Application for taxing Bills of Costs, how to be made.

Certificate of the Officer.

VIII. And be it enacted, That all Applications made under this Act to refer any such Bill as aforesaid to be taxed and settled, and for the Delivery of such Bill, and for the delivering up of Deeds, Documents, and Papers, shall be made in the Matter of such Attorney or Solicitor; and that upon the Taxation and Settlement of any such Bill the Certificate of the Officer by whom such Bill shall be

be taxed shall (unless set aside or altered by Order, Decree, or Rule of Court,) be final and conclusive as to the Amount thereof, and Payment of the Amount certified to be due and directed to be paid may be enforced according to the Course of the Court in which such Reference shall be made; and in case such Reference shall be made in any Court of Common Law it shall be lawful for such Court or any Judge thereof to order Judgment to be entered up for such Amount, with Costs, unless the Retainer shall be disputed, or to make such other Order thereon as such Court or Judge shall deem proper.

Judgment may be entered.

IX. And be it enacted, That in the Construction of this Act the Word "Month" shall be taken to mean a Calendar Month; and every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as one Person, Matter, or Thing; and every Word importing the Plural Number shall extend and be applied to one Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Person" shall extend to any Body politic, corporate or collegiate, municipal, civil, or ecclesiastical, aggregate or sole, as well as an Individual, unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Construction of Terms.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

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Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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all Prisoners (not under Sentence of Transportation) confined in the Gaol of Newgate in Dublin to be removed to other Prisons, and after their Removal Newgate to cease to be a Prison for the said City.

Privy Council thereof, by an Order in Council, to order and declare that on or before a Day to be specified in such Order all Prisoners then being and remaining in Custody in the said Gaol of *Newgate* (if any), save such Prisoners as shall be confined therein under Sentence or Rule of Transportation, shall be transmitted and removed to such other Gaol or Gaols, Prison or Prisons, of the County of the City of *Dublin* as shall be specified and directed by the said Order, and that all such Prisoners as might heretofore have been lawfully committed to the said Gaol of *Newgate*, save Prisoners under Sentence or Rule of Transportation, shall on and after the said Day so to be specified in the said Order, be committed to such other Gaol or Gaols, Prison or Prisons, of the said County of the City of *Dublin* as shall be specified and directed in the said Order; and when such Order shall have been made, then on and after the said Day so specified in such Order no Court or Justice of the Peace, or other Person, shall commit any Prisoner or Person, save Prisoners under Sentence or Rule of Transportation, to Custody in the said Gaol of *Newgate*, but all such Prisoners as might theretofore be lawfully committed to the said Gaol of *Newgate* shall be committed to such Gaol or Prison of the County of the City of *Dublin* as shall be so specified and directed by the said Order in Council; and on the said Day so specified, or as soon thereafter as all Prisoners (if any) then remaining in Custody in the said Gaol of *Newgate*, save as aforesaid, shall be transmitted or removed to such other Gaol or Gaols, Prison or Prisons, as aforesaid, the said Gaol of *Newgate* shall cease to be a Gaol or Prison for the Custody of Prisoners for the County of the City of *Dublin*; and the Duties of the several Officers thereof, or belonging thereto, shall cease and determine, and their respective Offices shall be abolished; and thenceforth it shall not be lawful for the Grand Jury of the County of the City of *Dublin* to present any Sum of Money whatsoever for the Support of the said Gaol of *Newgate*, or for any Office or Officer thereunto belonging, save as herein-after mentioned: Provided always, that nothing herein contained shall prevent the same continuing as a Depôt for Prisoners under Sentence or Rule of Transportation, until the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall otherwise declare.

The Gaol of Newgate, when no longer required as a Depôt, to be sold by Trustees to be appointed by the Grand Jury.

II. And be it enacted, That as soon as the said Gaol of *Newgate* shall, under the Provisions of this Act, cease to be a Prison for the Custody of Prisoners for the County of the City of *Dublin*, and the Lord Lieutenant or other Chief Governor or Governors of *Ireland* shall, by Warrant under his or their Hand, declare that the same is no longer required as a Depôt for Prisoners under Sentence or Rule of Transportation, it shall and may be lawful for the Grand Jury of the said County of the City of *Dublin*, at any Presenting Term, by Presentment,

Presentment, to appoint so many and such Persons, not less than Six and not more than Twelve in Number, as to them shall seem fit, as Trustees for the Sale of the said Gaol; and thereupon the said Gaol of *Newgate* and the Site thereof, and all the Rights, Members, and Appurtenances thereto belonging, shall vest in the said Trustees, their Heirs, Executors, Administrators, and Assigns, as the Case may be, for all such Estate or Interest as and for which the same is now held, possessed, or enjoyed by any Person or Persons, to the Use of or in trust for the Grand Jury of the County of the City of *Dublin*, or for the said County of the City of *Dublin*; and it shall and may be lawful for any Three or more of the said Trustees so to be appointed by the said Grand Jury to sell and dispose of the said Gaol and the Site thereof, and the Rights, Members, and Appurtenances thereof, either by public Auction or by private Contract, and either in One Lot or in several Lots, or the Materials thereof separately, as to them shall seem fit, to such Person or Persons as shall be willing to become the Purchaser or Purchasers of the same, or any Part thereof; and any Three or more of such Trustees so appointed by the said Grand Jury shall have full Power and Authority to enter into all necessary Contracts for such Sale or Sales, and to rescind and vary the same, and to give full and effectual Discharge or Discharges for the Purchase Money of the said Premises, or any Part thereof, and to execute all necessary Conveyances for vesting the same in the Purchaser or Purchasers thereof, or any Part thereof, for all the Estate or Interest vested in the Trustees so appointed by the said Grand Jury, their Heirs, Executors, Administrators, or Assigns, as aforesaid, in the said Premises, or in the said Part or Parts thereof respectively so sold and conveyed; and all such Purchase Money, after deducting the necessary Expenses of such Sale or Sales, shall be paid to the Treasurer of the County of the City of *Dublin*, to be placed to the Credit of the County of the said City.

Compensation for the Officers of Newgate.

III. And be it enacted, That it shall be lawful for the Grand Jury of the County of the City of *Dublin* at the Presenting Term next after the Abolition of the Offices of the said Officers of the Gaol of *Newgate* as aforesaid, and for every subsequent Grand Jury of the said County of the said City at every subsequent Presenting Term, and they are respectively hereby required, from Time to Time to present One Moiety of such respective annual Sums as the Commissioners of Her Majesty's Treasury, or any Three or more of them, shall, by an Order made after the passing of this Act, approve and direct, but not exceeding the respective annual Sums mentioned in the Schedule hereunto annexed, the same to be paid by half-yearly Instalments, to the several Persons named in the said Schedule during the Terms of their respective Lives, for the Loss of their respective Offices

Offices so abolished as herein-before mentioned: Provided always, that if any of the Persons so named in the said Schedule and therein described as competent for Service shall be nominated and appointed to any Office or Employment in or relating to any of the Gaols of the County of the City of *Dublin*, the Salary and Emoluments of which Office or Employment shall be equal to or shall exceed the Amount of Salary and Emoluments to which such Officer is now entitled, and which are mentioned and set forth in the said Schedule, then and in such Case the Compensation so hereby provided for every Person so appointed and employed shall cease and determine from the Day of such Nomination and Appointment: Provided also, that if any Person so to be nominated and appointed as aforesaid shall decline or refuse to accept such Office or Employment, his or her Compensation under this Act shall utterly cease and determine.

**Compensations to Persons superannuated or removed.**

IV. And be it enacted, That when and as often as any Person named in the said Schedule, and hereafter appointed to any Office or Employment in or relating to any of the Gaols of the County of the City of *Dublin*, shall, in consequence of Infirmity, Injury sustained in the Discharge of his Duty, or other Cause, be superannuated and removed from his last-mentioned Office or Employment in such Prison as incompetent, it shall and may be lawful for the Grand Jury of the said County of the City of *Dublin* and they are hereby required to award to such Person such Compensation or Retiring Allowance, in addition to the Sum named in the said Schedule, in connexion with the Name of such Person as shall, taking into consideration the Length of Service and Merits of such Person, seem to them just and reasonable, but so that the total annual Sum to be received by such Party for Compensation or Retiring Allowance under this Act shall not exceed Three Fourths of the annual Salary of such last-mentioned Office or Employment; and the said Grand Jury shall, at each *Easter* and *Michaelmas* Term, present to and for such Person so superannuated as aforesaid the Moiety of such Sum as shall have been awarded to such Person, in addition to the Sum named in the said Schedule in connexion with the Name of such Person as aforesaid: Provided always, that if such Person shall be removed from his Office or Employment in any of the said Prisons for such Misconduct as would warrant his Removal from any Office held during good Behaviour, he shall not be entitled to any Compensation or Retiring Allowance other than the Sum named in the said Schedule in connexion with the Name of such Person.

**The Treasury may sanction an Increase in such Su-**

V. And whereas certain of the said Officers of the Gaol of *Newgate* in the said Schedule mentioned had previously to their Appointment to such Offices served in the *Dublin* Police Force, and it may be reasonable

reasonable that the Length of their Service in the said Police Force should be taken into consideration in estimating the Amount of Compensation or Superannuation Allowance to be paid to them under the Provisions of this Act: Be it therefore enacted, That it shall be lawful for any of the said Officers who shall have been serving in the said Police Force before and at the Time of his Appointment to an Office in the said Gaol of *Newgate* to apply to the Commissioners of Her Majesty's Treasury that in consideration of such previous Service in the said Police Force an Addition may be made to the annual Sum named in the said Schedule in connexion with the Name of such Person, and thereupon it shall be lawful for the said Commissioners or any Three of them to order in manner aforesaid that such additional annual Sum as they may deem reasonable in consideration of such previous Length of Service in the said Police Force shall be paid to such Party, in addition to the said annual Sum herein-before provided to be paid as Compensation or Superannuation to such Party, and the same shall be presented by the said Grand Jury from Time to Time, and be paid to such Party, together with and in like Manner as the said annual Sum herein-before provided to be paid as Compensation or Superannuation to such Party: Provided always, that the total annual Sum to be so received by such Party shall in no Case exceed the Amount of Three Fourths of the annual Salary payable to such Party in respect of his Office which shall have been so abolished or from which he shall have been superannuated.

Superannuation Allowances in consideration of a previous Service in the Dublin Police Force.

VI. And whereas on account of the Increase of the Number of Prisoners who shall hereafter be confined in the Gaols or Prisons of the County of the City of *Dublin*, called the *Richmond* Bridewell and the *Richmond* Female Penitentiary, it is expedient to augment the Sums which the Grand Juries of the said County of the City of *Dublin* are authorized to present annually as a Recompence for the Services of the Chaplains of the said Prisons: And whereas the Number of Prisoners professing the Roman Catholic Religion in each of the said Gaols is so considerable as to require the entire Services of a Roman Catholic Clergyman wholly unconnected with the Discharge of any other ecclesiastical or parochial Duties: Be it therefore enacted, That from and after the passing of this Act it shall and may be lawful to and for the Grand Jury of the County of the City of *Dublin*, at each *Easter* and *Michaelmas* Term, to present a Sum not exceeding the Sum of Fifty Pounds Sterling as and for the Salary of each of the Roman Catholic Chaplains of the *Richmond* Bridewell and *Richmond* Female Penitentiary, provided it shall fully appear to the said Grand Jury and to the Court that such Chaplain has devoted his entire Time to the Duties of such Office during the preceding Half Year, and duly and regularly discharged the several Duties of his Office; and that it shall

Provision for Chaplains of Gaols.

shall be lawful to and for the said Grand Jury of the County of the City of *Dublin*, at each *Easter* and *Michaelmas* Term, to present a Sum not exceeding the Sum of Twenty-five Pounds as and for the Salary of the Protestant Chaplains of each of the said Prisons, and a Sum not exceeding the Sum of Sixteen Pounds Thirteen Shillings and Four-pence as and for the Salary of the Protestant Dissenting Chaplains of each of the said Prisons, provided it shall appear to the said Grand Jury and to the Court that such Chaplains have duly and regularly executed the several Duties of their Offices; and provided also, that it shall not be lawful for any Grand Jury to present any Salary for any such Chaplain as aforesaid, if it shall appear to them that such Chaplain is interdicted or prohibited from exercising the Functions of his Office either by the Rules of the Church to which he belongs or by any other competent Authority.

**Insolvent Arrears due by the several Parishes at the Presenting Term next after passing of this Act, to be assessed on the City at large.**

VII. And whereas large Sums of Money heretofore presented to be raised by Grand Jury Presentments in the said County of the City of *Dublin* are now due and owing by several of the Parishes and Portions of Parishes thereof, which have accrued due and accumulated by reason of the Insolvency and Inability of the said Parishes and Portions of Parishes to pay the same, and the same are in fact irrecoverable; And whereas it is expedient that the said insolvent Arrears now due should be re-applotted and assessed on the County of the City of *Dublin* at large, instead of the Parish or Portion of a Parish where such Arrears became due: Be it therefore enacted, That it shall and may be lawful for the Grand Jury of the said County of the City of *Dublin*, at the Presenting Term next after the passing of this Act, or, in case the same shall not then be done, at the Presenting Term next after, to ascertain, by such Ways and Means as to them shall seem fit, the Particulars and Amount of insolvent Arrears of Grand Jury Cess then remaining due and unpaid by the several Parishes of the said County of the City of *Dublin*, and to present and assess the Amount of such insolvent Arrears so ascertained upon the several Parishes or Portions thereof in the County of the City of *Dublin*, according and in proportion to their respective Valuation in the general Valuation or Assessment returned to the Treasurer of the Levy of the City of *Dublin* under the Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to amend the Laws relating to the Levy of Grand Jury Cess in the County of the City of* Dublin, which Sums so presented shall be chargeable, payable, and recoverable in the same Manner as the other Sums presented at the said Term.

**1 & 2 Vict. c. 51.**

**Act may be amended, &c.**

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

## SCHEDULE to which this Act refers.

| Names. | Offices. | Present Amount of Salaries and Emoluments. | | | Qualification for Service. | Annual Amount of Compensation. | | |
|---|---|---|---|---|---|---|---|---|
| | | £ | s. | d. | | £ | s. | d. |
| John Smyth - - | Governor - - - | 577 | 18 | 3 | Incompetent | 338 | 10 | 0 |
| Frederick Bournes - | Deputy Governor - | 234 | 0 | 4 | Competent | 136 | 10 | 2 |
| Robert S. Bell - - | Registrar and Turnkey - | 127 | 13 | 9½ | Incompetent | 74 | 9 | 8 |
| Thomas M'Dermott - | Turnkey - - - | 77 | 13 | 9½ | Competent | 38 | 16 | 11 |
| Robert Canterbury - | Ditto - - - | 77 | 13 | 9½ | Competent | 38 | 16 | 11 |
| John Carter - - | Ditto - - - | 77 | 13 | 9½ | Competent | 32 | 7 | 5 |
| Cassan Matthews - | Hospital Turnkey - | 80 | 5 | 9½ | Competent | 33 | 9 | 1 |
| James K. Thompson - | Schoolmaster and Turnkey | 60 | 3 | 2½ | Competent | 20 | 1 | 1 |
| James E. Toole - | Assistant Turnkey - | 49 | 15 | 2½ | Incompetent | 20 | 14 | 8 |
| John Ramsbottom - | Ditto - - - | 49 | 15 | 2½ | Incompetent | 20 | 14 | 8 |
| James Raymond - | Ditto - - - | 49 | 15 | 2½ | Competent | 12 | 8 | 9 |
| Mrs. Matilda Christian - | Matron - - | 85 | 13 | 9½ | Incompetent | 49 | 19 | 9 |
| Mrs. Anne Bell - - | Ditto - - - | 65 | 13 | 9½ | Incompetent | 32 | 16 | 11 |
| Mrs. Jane Richardson - | Hospital Matron - | 35 | 3 | 9½ | Incompetent | 17 | 11 | 11 |
| Rev. Thos. R. Shore - | Protestant Chaplain - | 50 | 0 | 0 | - - - | 25 | 0 | 0 |
| Rev. J. C. M'Cann - | Roman Catholic Chaplain | 50 | 0 | 0 | - - - | 16 | 13 | 4 |
| Rev. William Wilson - | Protestant Dissenting Chaplain - - | 33 | 6 | 8 | - - - | 8 | 6 | 8 |

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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Recited Act continued until 31st July 1850, and to the End of then next Session.

of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said first-recited Act shall be and continue in full Force and Effect until the Thirty-first Day of *July* in the Year One thousand eight hundred and fifty, and thenceforth until the End of the then next Session of Parliament.

Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

## CAP. LVII.

### An Act to authorize the Inclosure of certain Lands in pursuance of a Special Report of the Inclosure Commissioners for *England* and *Wales*.

[28th *July* 1849.]

WHEREAS the Inclosure Commissioners for *England* and *Wales* have, in pursuance of an Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands, to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts, and to provide for the Revival of such Powers in certain Cases*, issued their Provisional Orders for and concerning the proposed Inclosures mentioned in the Schedule to this Act, and the requisite Consents thereto have been given since the Date of their Fourth Annual General Report: And whereas the said Commissioners have by a Special Report certified their Opinion that such proposed Inclosures would be expedient; but the same cannot be proceeded with without the previous Authority of Parliament: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority

8 & 9 Vict. c. 118.

Inclosures mentioned in Schedule may be proceeded with.

Authority of the same, That the said several proposed Inclosures mentioned in the Schedule to this Act be proceeded with.

Short Title. II. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The Second Annual Inclosure Act, 1849."

## SCHEDULE to which this Act refers.

| Inclosure | County | Date of Provisional Order |
|---|---|---|
| Saint Harmon | Radnor | 5th January 1849. |
| Loxton | Somerset | 15th February 1849. |
| Swannington, Brandiston and Haverland | Norfolk | 26th June 1848. |
| Brasted Chart | Kent | 8th February 1849. |
| Saint Ive Down | Cornwall | 29th March 1849. |
| Creigbyther | Radnor | 8th February 1849. |
| Hailey and Crawley | Oxford | 8th February 1849. |
| Rumburgh Common | Suffolk | 12th April 1849. |
| Hailsham, Hellingly and Arlington | Sussex | 22d March 1849. |
| Binsted | Southampton | 5th January 1849. |
| Ponsonby | Cumberland | 20th January 1849. |
| Calder | Cumberland | 20th January 1849. |
| Crosby and Birkby | Cumberland | 28th February 1849. |
| Rotherwick | Southampton | 7th June 1849. |
| Brockley | Suffolk | 14th June 1849. |
| Bedfield Long Green | Suffolk | 15th April 1846. |
| Bradfield Saint George | Suffolk | 14th June 1849. |

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# VICTORIÆ REGINÆ.

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One Consolidated Board of Commissioners of Inland Revenue, and all Officers of Excise as well as of Stamps and Taxes are by virtue of the said Act deemed to be Officers of Inland Revenue: And whereas the establishing of the said Excise Benevolent Fund Society has been found beneficial to the public Service, by conducing to the good Conduct of the Officers of Excise who have become Members thereof, and it is expedient to extend the said Privilege of becoming such Members to all Officers and other Persons employed in the Department of Inland Revenue who may be desirous of availing themselves thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said Society shall be called "The Inland Revenue Life Assurance and Benevolent Fund Society," and all Officers of Inland Revenue, and all Persons employed in the Department of Inland Revenue, may, if they shall think fit, be received Members of the said Society on the Terms and Conditions in the said Deed of Settlement mentioned or referred to, and shall have and be entitled to all the Benefits and Advantages arising therefrom, and such Members and their respective Widows and Orphans shall be entitled, under and subject to the Terms and Conditions, Rules and Regulations, contained in the said Deed, and to any Rules or Regulations made or to be made in conformity therewith, to participate in the said Benevolent Fund in common with the Persons who have become Members of the said Society before the passing of this Act, and their respective Widows and Orphans, and from henceforth the said Fund shall be called "The Inland Revenue Benevolent Fund."

The Excise Benevolent Fund Society to be called "The Inland Revenue Life Assurance and Benevolent Fund Society," and all Officers of Inland Revenue entitled to become Members thereof.

II. And be it enacted, That all Persons who at any Time heretofore have effected or at any Time hereafter shall effect Insurances on their Lives respectively, as Members of the said Society, shall be deemed to have become and to be such Members, upon the Terms and Conditions of the said Deed of Settlement, whether such Deed shall have been executed by them respectively or not; and all such Persons shall be held and deemed to be bound by the Provisions of the said Deed, and shall be entitled to the Benefits and Advantages thereof, notwithstanding that such Deed shall not have been executed by them, or that some One or more of the Persons named therein as Parties thereto may not have executed the same.

Persons effecting Insurances, as Members of the Society, to be bound by the Deed of Settlement, although not executed by them.

III. And be it enacted, That this Act shall be deemed to be a Public Act, and shall be judicially taken notice of as such.

Public Act.

IV. And

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament

Act may be amended, &c.

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# VICTORIÆ REGINÆ.

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## CAP. LIX.

### An Act to amend an Act of the Tenth Year of Her Majesty, for facilitating the Improvement of Landed Property in *Ireland*. [28th *July* 1849.]

WHEREAS by an Act passed in the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, the Commissioners of Public Works in *Ireland* were authorized to make Loans to Owners of Land in *Ireland* for the Improvement of such Land, upon the Terms and Conditions in the said Act mentioned; and it was thereby provided, that in respect of such Loans annual Rent-charges should be charged upon the Lands to be improved, and should be recoverable as therein mentioned: And whereas the Proceedings for Recovery of such Rent-charges are attended with considerable Inconvenience and Expense, by reason of its being necessary to examine as Witnesses the Clerks in the several Offices by and through which Advances have been made; and it is expedient that the said Act should be amended as herein mentioned: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual

10 & 11 Vict. c. 32.

 and

In Proceedings under recited Act the Certificate of the Paymaster of Civil Services shall be Evidence.

and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in any Proceedings which have been or shall be taken for Recovery of any Rent-charge under the said Act a Certificate under the Hand of the Paymaster of Civil Services in *Ireland* for the Time being, or of such Person as the Commissioners of Her Majesty's Treasury may from Time to Time appoint (of which Appointment Notice to be published in the *Dublin Gazette* shall be sufficient Evidence), certifying that a Loan has been made or agreed to be made under the said Act, and certifying the Amount thereof, and the Number and Amount of the Instalments advanced on account of such Loan, and the annual Amount of Rent-charge payable in respect thereof, and the Lands charged with such Rent-charge, and how much is due in respect thereof, shall be conclusive Evidence of the Matters therein certified as aforesaid.

Certificate of Commissioners of Public Works shall be Evidence in case of Proceedings for Amount of preliminary Expenses, or on Security for due Application of Money advanced.

II. And be it enacted, That in any Proceedings which have been or shall be taken on any Security given in respect of the Expenses of obtaining a Report upon and investigating the Subject of any Application for a Loan under the said Act, or on any Bond or other Security given for the due Application of Monies advanced or to be advanced under the said Act, the Certificate of the Commissioners of Public Works in *Ireland*, under their Common Seal, certifying the Amount of the Expenses of obtaining such Report upon and investigating the Subject of such Application for a Loan under the said Act, including all Expenses consequent upon any such Investigation, or (as the Case may be) certifying the Amount of the Monies advanced by the said Commissioners, and the Amount of such Monies the Application of which shall not have been accounted for to the said Commissioners according to the Condition of such Bond or other Security, shall be conclusive Evidence of the Matters therein certified as aforesaid.

If Parties neglect to comply with Provisions of recited Act or proceed with the Works, Commissioners may decline to make Advance.

III. And be it enacted, That in any Case in which an Order for a Loan shall have been made by the said Commissioners under the said Act, and the Person for the Time being entitled to the Benefit of such Order shall neglect to comply with the Provisions of the said Act, or the Rules and Regulations of the said Commissioners for the Purpose of obtaining any Advance or Instalment in respect of such Loan, or if after any such Instalment or Instalments shall have been advanced by the Paymaster of Civil Services such Person shall, after Notice by the said Commissioners of his Default in this Behalf, neglect to proceed with the Works for which such Loan shall have been made or agreed to be made, with such Diligence and Expedition as shall be satisfactory to the said Commissioners, it shall be lawful for the said Commissioners (if they think fit so to do), by Order under their Common

Common Seal, to direct that the Amount of such Loan, or such Part thereof as shall be then remaining unpaid, shall not be issued; and thereupon the Monies applicable to such Loan, or to the Residue of such Loan, as the Case may be, may be applied to other Loans under the Provisions of the said Act.

IV. And be it enacted, That it shall be lawful for the said Commissioners, upon the Application of the Owner, where it shall appear to them expedient so to do, from Time to Time to sanction the Alteration or Modification of any Plan, Specification, or Estimate originally approved of by them in relation to any Works for which any Loan has been agreed or ordered to be made under the said Act, or, in substitution, in whole or in part, for any such Plan, Specification, and Estimate, to sanction and approve of a Plan, Specification, and Estimate for other Works for any of the Purposes in the said Act mentioned, and to direct the Works to be carried on according to the Plan, Specification, and Estimate so altered or modified or substituted as aforesaid; and the Provisions of the said Act applicable in the Case of an Alteration or Modification of any Plan, Specification, or Estimate whereby the Advance of a further Sum of Money is required for the Completion of any Works, or the Expenditure is diminished, shall be applicable, under the like Circumstances, in the Case of any Alteration, Modification, or Substitution made under this Act.

Commissioners may sanction Alterations of Plan, &c., and substitute others in lieu thereof.

V. And be it enacted, That so much of the said recited Act as requires that the said Commissioners shall execute in duplicate a Certificate stating the Amount of the Sums actually advanced in respect of any Loan under the Provisions of the said Act, and the Times of advancing the same, and the Registry of One of such Certificates, shall be repealed.

Repeal of so much of recited Act as requires Certificate of Amount of Advance to be issued.

VI. And be it enacted, That the said recited Act and this Act shall be construed together as One Act; and all Loans made for the Purposes of the said recited Act out of any Money authorized to be advanced under an Act passed in the present Session of Parliament, intituled *An Act to authorize further Advances of Money for the Improvement of Landed Property in* Ireland, *and the Extension and Promotion of Drainage and other Works of public Utility in* Ireland, or under any other Act authorizing Loans to be made for the Purposes of the said recited Act, shall, for the Purposes of the Provisions of the said recited Act and of this Act applicable to the Loans under the said recited Act, be deemed to have been made under such Act.

Recited Act and this Act to be construed together, and Loans out of Monies advanced under 12 & 13 Vict. c. 23. &c., authorizing further Advances, to be deemed Loans under recited Act.

VII. And

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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Award, by the Person or Persons therein mentioned, and should be raised, levied, and recovered as therein mentioned by such Persons as the Commissioners of the Treasury should from Time to Time appoint: And whereas by an Act of the last Session of Parliament, intituled *An Act to amend an Act of the Tenth Year of Her present Majesty, for rendering valid certain Proceedings for the Relief of Distress in* Ireland *by Employment of the Labouring Poor, and to indemnify those who have acted in such Proceedings*, Provision was made for giving Notice of such Awards to the Parties interested therein, and for the Registry of the same: And whereas Awards have been from Time to Time made by the said Commissioners of Public Works under the Provisions of the said first-mentioned Act and the said Act for the Amendment thereof, making payable the Sums respectively mentioned in the said Awards, with Interest thereon from the Tenth Day of *October* One thousand eight hundred and forty-seven, by half-yearly Instalments, in Ten Years, payable on the Fifth Day of *April* and Tenth Day of *October* in every Year, the first of the said Instalments to be paid on the Tenth Day of *October* in the Year One thousand eight hundred and forty-eight: And whereas the Paymaster of Civil Services in *Ireland* has been appointed by the Commissioners of Her Majesty's Treasury to receive Payment of the Sums specified in the said Awards: And whereas it is expedient to authorize the Principal Sums and Interest payable under the said Awards to be paid or satisfied by Rent-charges as herein-after mentioned, and it is expedient otherwise to amend the said first-recited Act: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That upon the Application of the Person who for the Time being is liable to the Payment of any Instalment under any such Award as aforesaid the said Paymaster of Civil Services may, with the Sanction of the Commissioners of Her Majesty's Treasury, substitute for the Principal Money and Interest payable under such Award such Rent-charge as herein mentioned, and in every such Case the said Paymaster of Civil Services shall ascertain the Amount of Interest on the Principal Sum specified in the Award, such Interest being calculated from the Tenth Day of *October* One thousand eight hundred and forty-seven to the Fifth Day of *April* One thousand eight hundred and forty-nine at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, and such Amount of Interest shall be added in each Case to the Principal Sum specified in the Award; and for and in lieu of every Sum of One hundred Pounds of such compound Sum, after giving Credit for such Payments (if any) as may have been made in respect of such Principal and

11 & 12 Vict. c. 106.

The Treasury may authorize the Payment of the Sums mentioned in Awards under recited Act, by Rent-charges for Twenty-two Years.

and Interest respectively, there shall be charged on the Lands specified in the Award a Rent-charge of Six Pounds Ten Shillings, and so in proportion for any less Amount, such Rent-charge to be payable for the Term of Twenty two Years, to be computed from the said Fifth Day of *April* One thousand eight hundred and forty-nine, and to be paid by equal half-yearly Payments on the Tenth Day of *October* and the Fifth Day of *April*, the first of such Payments to be made on the Tenth Day of *October* One thousand eight hundred and forty-nine; and the said Paymaster shall execute a Certificate under his Hand specifying the Amount of the compound Sum in respect of which such Rent-charge shall be payable, and the Amount of such Rent-charge, and the Lands to be charged therewith, and such Certificate shall be retained in the Office of the said Paymaster; and such Paymaster shall, on the Request and at the Expense of the Proprietor of the Lands so charged, issue to him a Duplicate or Copy of such Certificate; and from and after the Execution of such Certificate such Lands shall, without any Registry of such Certificate, become charged with such Rent-charge, in like Manner and with the like Priority as the Money which would have been payable under the Award in respect of which such Certificate shall issue stood charged on the same Lands under the said Acts of the Tenth Year of Her Majesty and of the last Session of Parliament; and every such Certificate in respect of the Lands therein specified shall be binding upon all Persons having any Estate or Interest in such Lands, and shall be conclusive Evidence that all Requisites with respect thereto have been duly complied with.

Rent-charges to be paid as directed.

II. And be it enacted, That the Rent-charges which shall become chargeable on Lands under this Act shall be paid into the Bank of *Ireland* to the Credit of the said Paymaster, and by him carried to the Account of the Consolidated Fund, and the Receipt of the said Paymaster shall be a sufficient Discharge for the same.

Provisions of 10 & 11 Vict. c. 32. and 12 & 13 Vict. c. 59. extended to Rent-charges under this Act.

III. And be it enacted, That all the Powers and Provisions of an Act of the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, and of an Act of the present Session of Parliament to amend such Act, for increasing the Amount and shortening the Term of any Rent-charge chargeable on Lands under such Act of the Tenth Year of Her Majesty, for redeeming any such Rent-charge or a Part thereof, concerning the Payment of and Liability to such Rent-charge, concerning Deduction by Occupiers, Sub-lessees, and Sub-lessors from their Rent of Money paid on account of any such Rent-charge, for and auxiliary to the recovering and enforcing Payment of any such Rent-charge, and any half-yearly Payment thereof, and the Arrears thereof,

thereof, and Costs, Charges, and Expenses in relation thereto, for the Release of a Portion of the Lands charged with any such Rent-charge (during the Continuance of such Rent-charge), for the Release of the Lands charged, on the Expiration or Discharge of any such Rent-charge, and on Payment of Arrears, and of all Costs, Charges, and Expenses, and concerning the Investment by Trustees in the Purchase or upon Mortgage of Land charged with any such Rent-charge, shall extend and be applicable to any Rent-charge to be charged under this Act, and to the Land to be charged therewith, in the same Manner as if such Rent-charge had been charged under such Act of the Tenth Year of Her Majesty, the Term "Owner" in such Powers and Provisions being for the Purposes of this Act construed to mean Proprietor within the Terms of the Act of the Fifth Year of Her Majesty, "to promote the Drainage "of Lands and Improvement of Navigation and Water Power in "connexion with such Drainage in *Ireland*."

5 & 6 Vict. c. 89.

Where Two or more Persons, not being Joint Tenants, &c., are named in Award, Commissioners empowered to make new Award.

IV. And whereas in several Cases in which Awards have been made by the Commissioners of Public Works Two or more Persons, not holding as Joint Tenants, Tenants in Common, or as Coparceners, have been named in such Awards as Proprietors of the Lands in such Awards respectively mentioned, whose separate Liability to the Amounts in such Awards respectively mentioned is not ascertained or defined; and in certain other Cases Awards have been made which have been found to be in some Particulars inaccurate and in other Cases defective, or erroneous Awards have been made omitting to charge the Lands of certain Proprietors with the Amounts expended thereon or for the Benefit of the same; and it is therefore expedient that the said Commissioners of Public Works should have Power in such first-mentioned Cases to determine and ascertain the Amount or Proportion to which the Lands of each of such Persons or Proprietors are respectively liable, and to make new Awards according to such Determination, and also in such other Cases that said Commissioners of Public Works should have Power to make new Awards in lieu of such inaccurate, defective, or erroneous Awards: Be it therefore enacted, That in all Cases in which Two or more Persons, not being Joint Tenants, Tenants in Common, or Coparceners, are named in any of the Awards made under the said recited Acts, or either of them, as the Proprietors of the Lands liable to the Repayment of the Monies in any such Award mentioned, and thereby charged and secured on such Lands, and the Amount or Proportion to which the Lands of each Proprietor in such Award mentioned are liable is not therein defined or ascertained, it shall be lawful for the said Commissioners of Public Works, or any Two of them, to ascertain and determine, as to them

them shall seem just and reasonable, the Proportion or Amount to which the Lands of each such Proprietor are liable, and to make further or new Awards determining and specifying the Lands of each such Proprietor, and the Proportion or Amount to which the Lands of each such Proprietor are liable; and in any Case in which by reason of the said Commissioners having heretofore made any inaccurate, defective, or erroneous Award, or in any other Case whatsoever in which the said Commissioners shall deem it right or expedient so to do, it shall be lawful for the said Commissioners of Public Works, or any Two of them, to make such new Award in the Premises, in lieu and stead of any such inaccurate, defective, or erroneous Award, or in lieu or stead of any other Award, as to the said Commissioners shall seem meet; and the Lands in every such new Award mentioned shall remain charged with and subject and liable to the Amount specified in every such new Award relating to the same in the same Manner as Lands of Proprietors are charged with and made subject and liable to the Sums specified in any Award heretofore made under and by virtue of the Provisions of the said recited Acts; and every such new Award shall be good, valid, and effectual to all Intents and Purposes whatsoever, and shall be reputed, deemed, and taken to be made in accordance with and under the Provisions of the said recited Acts and this Act, and every such new Award shall be substituted in the Place and Stead of the former Award.

In Cases of inaccurate, defective, or erroneous Awards, Commissioners empowered to make new Awards.

Lands in new Award charged.

New Awards to be good, valid, &c.

V. And be it enacted, That all the Provisions of the said recited Acts shall extend to and apply to any new Award to be made under the Provisions of this Act.

Provisions of recited Acts to extend to new Awards.

VI. And be it enacted, That in all Cases of new Awards to be made by the said Commissioners of Public Works under the Provisions of this Act, and where the Award in lieu of which any such new Award shall be made shall have been registered previously to the making of such new Award, it shall and may be lawful for the said Commissioners of Public Works in *Ireland*, and they are hereby authorized and required, to issue a Certificate under the Hands of Two of the said Commissioners, to the Effect that the Award so registered shall not be taken or deemed to be a Charge or Incumbrance on the Lands in such Award mentioned; and every such Certificate shall be in such Form as the said Commissioners shall deem fit; and upon Production of such Certificate (of the signing of which by the said Commissioners as aforesaid no Affidavit shall be required) to the Registrar of the Office for registering Deeds, Conveyances, and Wills in *Ireland*, or his Deputy, the said Registrar or his Deputy shall make an Entry of such Certificate in the Margin

In all Cases of new Awards, if original Award registered, Commissioners to issue Certificate exonerating Lands in original Award from Charge.

Certificate to be registered.



or

or at the Foot of the Registry of the Award to which such Certificate shall relate; and such Registrar or his Deputy shall thereupon file such Certificate, and retain the same upon Record in the said Registry Office; and such Registrar or his Deputy shall thereupon also make an Entry to the Effect before mentioned on the said original Award to which such Certificate shall relate for the Purpose of showing that such Award has been cancelled.

Registration of Certificate not liable to Fees, or Stamp Duty.

VII. And be it enacted, That no Fees whatsoever shall be payable for or in respect of such Registration of any such Certificate, anything in any former Act to the contrary notwithstanding, nor shall any such Certificate be liable to any Stamp Duty whatever.

Commissioners to make Award respecting Amount expended on Harbour at Balbriggan pursuant to Presentment under 9 & 10 Vict. c. 107.

VIII. And whereas under the Provisions of an Act made and passed in the Tenth Year of Her Majesty, intituled *An Act to facilitate the Employment of the Labouring Poor for a limited Period in the distressed Districts in* Ireland, a Presentment was made at an Extraordinary Presentment Sessions held at *Balbriggan* for the Barony of *Balrothery East* in the County of *Dublin* on or about the Twenty-sixth Day of *October* One thousand eight hundred and forty-six, for the Sum of Ten thousand Pounds to be raised off the said Barony as therein mentioned, and by such Presentment a Sum of One thousand five hundred Pounds, Part of the said Sum of Ten thousand Pounds, was allocated to improve and deepen the Harbour of *Balbriggan:* And whereas the Allocation of the said Sum of One thousand five hundred Pounds was made at the Instance of *George Alexander Hamilton* Esquire, M.P., the Proprietor of the Estate adjoining the said Harbour, upon his agreeing to repay the Amount which should be expended on the improving and deepening of the said Harbour, and it is expedient to make Provision for Repayment of the same: Be it therefore enacted, That the Amount mentioned in such Presentment, or so much thereof as by an Award to be made by the said Commissioners of Public Works, or any Two of them, (and which said Award the said last-mentioned Commissioners, or any Two of them, are hereby authorized to make,) shall appear to have been expended upon such Work of improving and deepening the said Harbour of *Balbriggan*, shall be a Charge on all Lands the Property of the said *George Alexander Hamilton*, or on such Parts thereof as shall be specified in such Award, and on all Dues arising out of the said Harbour; and the Amount mentioned in such Award, with Interest thereon at the Rate of Three Pounds Ten Shillings *per Centum per Annum*, to be calculated from the Fifth Day of *April* One thousand eight hundred and forty-nine, shall be charged upon and raised and levied from and out of the Lands specified in such Award, and shall be payable by Forty-four equal half-yearly Instal-

ments on every Tenth Day of *October* and Fifth Day of *April* in each and every Year by the said *George Alexander Hamilton*, or by the Person or Persons who shall be the Owner or Proprietor of such Lands for the Time being, until the Amount specified in such Award, with Interest as aforesaid, shall be fully paid, the first Payment thereof to be made on the Tenth Day of *October* next, or in lieu thereof there shall be charged and payable a Rent-charge of Six Pounds Ten Shillings for every One hundred Pounds for a Term of Twenty-two Years.

Lands mentioned in such Award charged with Amount and Interest.

IX. And be it enacted, That the Lands which shall be specified in that Behalf in such last-mentioned Award shall from and after the Registry of such Award be charged with the Amount mentioned in such Award, with the Interest thereon as aforesaid, with the same Priority as Money charged by an Award under the said first-recited Act; and all the Provisions of the said first-recited Act of the Tenth Year of Her Majesty, and of the said Act of the last Session of Parliament, and of this Act, which relate or apply to Awards made or to be made thereunder with respect to Monies expended on Works of Drainage and Subsoiling, shall extend and apply to the said Award which the said Commissioners are authorized to make with respect to the Expenses incurred in the Execution of the said Works in the said Harbour of *Balbriggan*, so far as the same may be applicable, and not inconsistent with the Provisions hereby made respecting the same.

Provisions of 10 & 11 Vict. c. 10., 11 & 12 Vict. c. 106., and this Act to apply to such Award.

Act may be amended, &c.

X. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

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present Parliament assembled, and by the Authority of the same, That the first-mentioned Act shall continue in force until the First Day of *October* in the Year One thousand eight hundred and fifty, and to the End of the then next Session of Parliament.

Recited Act further continued.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

Act may be amended, &c.

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and Ninth Years of the Reign of Her present Majesty, intituled *An Act for making a Railway from* Dublin *to* Mullingar *and* Longford, *to be called* "The Midland Great Western *Railway of* Ireland," and the Company by the said Act incorporated for the aforesaid Purposes was by the said Act incorporated by the Name of "The *Midland Great Western* Railway Company of *Ireland*," but which Company in the Acts next after mentioned is called "The *Midland Great Western* Railway of *Ireland* Company:" And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to enable the* Midland Great Western *Railway of* Ireland *Company to make a Deviation in the authorized Line of the said Railway, and also a Branch Railway to the River* Liffy: And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to enable the* Midland Great Western *Railway of* Ireland *Company to make a Railway from* Mullingar *to* Athlone:" And whereas another Act was passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to enable the* Midland Great Western *Railway of* Ireland *Company to make certain Deviations in the authorized Line of the said Railway, and to amend the Acts relating thereto:* And whereas another Act was passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to enable the* Midland Great Western *Railway of* Ireland *Company to make a Railway from* Athlone *to* Galway, and by the first-mentioned Act incorporating the said Company the Company was authorized to purchase the Royal Canal therein mentioned, which when purchased was to be vested in the *Midland Great Western* Railway of *Ireland* Company, with all the Powers of the said Canal Company, and such Canal has been accordingly purchased: And whereas the said Railway from *Dublin* to *Mullingar* has been completed, and opened for the Use of the Public, but no Part of the said Lines from *Mullingar* to *Athlone* or from *Athlone* to *Galway* has been begun, but a Portion of the Capital for the making the said Line from *Mullingar* to *Athlone* has been raised, but no Part of the Capital for making the said Railway from *Athlone* to *Galway* has been yet raised: And whereas the Construction and Completion of the said Railway between *Athlone* and *Galway* will contribute to the Advantage and Improvement of the respective Counties and Districts adjoining or near to such Railway, and therefore it is expedient that the Baronies and Half Baronies of the Counties and the County of the Town after mentioned should to the Extent after mentioned pay or contribute towards the Payment of any Monies and the Interest of any Monies borrowed to complete the said Line under the Provisions of this Act: And whereas an Application has been made to the said Public

8 & 9 Vict. c. 119.

9 & 10 Vict. c. 210.

9 & 10 Vict. c. 224.

10 & 11 Vict. c. 130.

10 & 11 Vict. c. 176.

Public Works Loan Commissioners by the said *Midland Great Western* Railway of *Ireland* Company for the Loan of the Sum of Five hundred thousand Pounds in aid of the Expense of making and completing the said Railway between *Athlone* and *Galway*, and it is deemed expedient to make an Advance of Money out of the Consolidated Fund for the Purpose of such Loan: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That for the Purpose of such Loan the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland* for the Time being are hereby empowered, by Warrant under their Hands, from Time to Time or at any one Time, to charge the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, and to direct the Issue thereout to the Account of the Commissioners for the Time being for the Reduction of the National Debt of a Sum or Sums of Money not exceeding in the whole Five hundred thousand Pounds.

Power to Treasury to charge the Consolidated Fund, and direct the Issue thereout of 500,000*l.*

II. And be it enacted, That the Commissioners for the Time being for the Reduction of the National Debt are hereby appointed Trustees on the Part of the Public for holding the said Monies to be issued out of the Consolidated Fund as aforesaid, and they shall continue the separate Account already opened at the Bank of *England* with them under the Title of "The Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund," and which Account the Governor and Company of the Bank of *England* shall and they are hereby required to continue in their Books accordingly, and to which Account shall be carried all such Monies as shall be issued and paid out of the Consolidated Fund for the Purposes aforesaid.

To be carried to the Account of the Commissioners for the Reduction of the National Debt on account of the Public Works Loan Fund.

III. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury from Time to Time, if they shall think fit, to authorize and require the said Public Works Loan Commissioners to advance and lend to the said Railway Company by such Instalments, on such Terms, and subject to such Conditions and Stipulations as the said Commissioners of Her Majesty's Treasury shall direct, any Sum or Sums of Money not exceeding in the whole Five hundred thousand Pounds, and the Repayment thereof, with Interest from the Time or respective Times of advancing the same, not exceeding the Rate of Three Pounds Ten Shillings *per Centum per Annum*, shall be secured by such Mortgage or Mortgages, and in such other Manner as is herein-after mentioned or referred to.

Treasury empowered to authorize Public Works Loan Commissioners to make Advances to Railway Company.

IV. And

Provisions to be contained in Mortgages for Payment of Principal and Interest.

IV. And be it enacted, That all Monies advanced shall be secured to be repaid by every such Mortgage as aforesaid, with Interest after the Rate not exceeding Three Pounds Ten Shillings *per Centum per Annum* on the Principal Sum thereby secured from the Time of advancing the same, by equal half-yearly Payments, the first of such Payments to be made at the Expiration of Six Calendar Months from the Date of every such Mortgage, and if such Interest shall be duly paid half-yearly then no Part of the Principal secured by any such Mortgage shall be required to be repaid for Ten Years from the Date of every such Mortgage, and after the Expiration of Ten Years from the Date of every such Mortgage, and during such Time as the Principal and Interest Monies shall be punctually paid half-yearly as herein-after mentioned, the said Principal Sum advanced shall be repaid, with Interest, in manner following; that is to say, there shall be paid half-yearly as from the Expiration of the said Ten Years the Sum of Two Pounds Ten Shillings *per Cent.* on the Principal Money originally advanced, and a sufficient Part of such half-yearly Payments shall be first applied in discharge of the Interest from Time to Time accruing due on that Part of the Principal Sum which shall from Time to Time be unpaid, and the Residue of such half-yearly Payments shall be applied in discharge of the Principal Money secured until the whole thereof, with Interest thereon, shall be paid off.

Power for Railway Company to borrow Money of Public Works Loan Commissioners.

V. And be it enacted, That it shall be lawful for the said Railway Company at any Time or from Time to Time to borrow of the said Public Works Loan Commissioners any Sum or Sums of Money not exceeding in the whole the Sum of Five hundred thousand Pounds, and to mortgage, convey, assign, and assure to the Secretary for the Time being of the said last-mentioned Commissioners, or as they shall direct, all and every the Railways and Undertakings authorized to be constructed by the said recited Acts relating to the said Company, and the Works, Lands, Property, Chattels, and Effects of the Company connected therewith, and also the Canal, Lands, Property, Chattels, and Effects purchased or agreed to be purchased of the Royal Canal Company in the last-mentioned Acts or one of them particularly mentioned, and all Rates, Tolls, Profits, and Receipts accruing and hereafter to accrue to or for the Use of the said Railway Company, and all other Works and Property of or to which the said Railway Company now is or hereafter may be seised, possessed, or entitled in any Manner howsoever, for securing the Repayment of any Sum or Sums of Money which shall be so borrowed as aforesaid, anything in the said Acts relating to the said Railway Company, or any Acts incorporated with or forming Part of any of the said Acts, to the contrary thereof in anywise notwithstanding; and such Securities for the Monies so to be borrowed may be made under such

Security to be made as Treasury shall direct.

such Conditions, and with such Stipulations and Provisions, as the said Commissioners of the Treasury shall direct, anything in the said Acts relating to the said Company to the contrary notwithstanding.

Securities given to Public Loan Commissioners to have Priority.

VI. And be it enacted, That no Security to be given to the said Public Works Loan Commissioners or their Secretary as aforesaid shall be invalidated or otherwise affected by any Defect or Informality in any Meeting or Proceeding of the said Railway Company or the Directors thereof, or by reason of any Nonobservance of any of the Provisions contained in any of the said Acts relating to the said Railway Company, or in respect of the Application of any of the Monies by the said Acts authorized to be raised, or the Distribution of the Shares of the said Company, or otherwise howsoever; and every such Security shall be valid and effectual to all Intents and Purposes, and have Priority over all Dividends, Interest, or other Monies payable or which may become payable to Shareholders in the said Railway Company, and over all Mortgages, Bonds, Charges, and Securities whatsoever which have been or shall be hereafter created or given by the said Railway Company, except a certain Security given to Trustees named as the Trustees of the *Royal Canal* Company for a Part of the Amount of the Purchase Money for the said Canal, and in respect of which Security a Sum not exceeding One hundred and thirty-five thousand eight hundred and sixty Pounds Fifteen Shillings and Eight-pence, with the current Half Year's Interest thereon, is now due and owing.

Incorporated Name of Railway Company.

VII. And be it enacted, That the said Railway Company incorporated by the said first herein-before mentioned Act which relates to the said Company shall for the Purposes of this Act be deemed and taken to have been incorporated by the Name of "The *Midland Great Western* Railway of *Ireland* Company," and all Acts done by the said Company under the Name by which the said Company was first incorporated shall be binding and effectual, and all Acts done or to be done by the said Company in the Name of the "*Midland Great Western* Railway of *Ireland* Company" shall be as binding as if they had been done in the Name by which the said Company was originally incorporated.

Baronies in Galway, and Two Baronies in Roscommon, to pay a Sum equal to Interest on Advances in certain Events.

VIII. And be it enacted, That if any Monies shall be borrowed by the said Railway Company under the Provisions of this Act, then so long as any Part whatever of the Principal Monies borrowed shall remain unpaid, and as from the Time of any such Loan or Loans respectively, a Sum equal to One Pound Fifteen Shillings *per Cent.* on the Sum or Sums originally borrowed shall (subject as after mentioned) be paid half-yearly to the said Railway Company by the

Barony of *Moycarn* and the Barony of *Athlone* in the County of *Roscommon*, and by all the several Baronies and Half Baronies in the County of *Galway*, and by the County of the Town of *Galway*, all in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, rateably and in the Proportions to be ascertained as after mentioned: Provided nevertheless, that if after the said Railway from *Athlone* to *Galway*, or any Part thereof, shall have been opened, there shall be any Profit made by such Railway in any Half Year (such Profit to be ascertained as after mentioned), then the Amount thereof shall be deducted from the half-yearly Amount which would otherwise be payable by such Baronies and Half Baronies and County of the Town of *Galway;* and if such Profit shall equal or exceed the Amount so to be paid, then no such Payment shall be made.

**Treasury to appoint Arbitrator to determine Proportion to be paid by each Barony, &c.**

IX. And be it enacted, That for the Purpose of ascertaining the Proportions in which the said Baronies and Half Baronies and County of the Town of *Galway* shall pay the said Sum so to be paid half-yearly as aforesaid, and during such Time as the same shall be payable, it shall be lawful for the Commissioners of Her Majesty's Treasury from Time to Time to appoint a Person or Persons who shall by his or their Award in Writing assess and determine the relative Proportions in which such Sum shall be paid and made up by each of the said several Baronies and Half Baronies and County of the Town of *Galway*, such Person or Persons taking into consideration the Benefit or supposed Benefit (immediate or prospective) which such Baronies and Half Baronies and County of the Town of *Galway* may in his or their Opinion be likely to derive from the Formation and opening of such Railway; and the Award of such Person or Persons under his or their Hand or Hands shall, when allowed by the said Commissioners of Her Majesty's Treasury, in all respects be final and binding on the said Baronies and Half Baronies and County of the Town of *Galway;* and from and immediately after the Allowance of such Award by the said Commissioners of Her Majesty's Treasury the said several Baronies and Half Baronies and County of the Town of *Galway*, and all Lands, Tenements, and Hereditaments therein respectively, shall be and are hereby charged and made chargeable with the Payment of such Sum in the several Proportions specified and set forth in such Award; and after such Award shall have been allowed in manner aforesaid the same, and such Duplicates thereof as may be necessary, shall be delivered to the said Railway Company upon their Request, and upon Payment by them to such Person or Persons making such Award as aforesaid of such Remuneration, if any, for his or their Trouble in making such Award as the said Commissioners of Her Majesty's Treasury shall determine.

X. And

*Advance of Money (Athlone to Galway Railway).*

X. And be it enacted, That the Commissioners of Her Majesty's Treasury, during such Period as any Principal or Interest Monies shall remain unpaid in respect of the Securities to be given to the said Public Works Loan Commissioners as aforesaid, shall and they are hereby authorized and required from Time to Time to appoint a fit and proper Person or fit and proper Persons (not exceeding Three in Number) to audit the Accounts of the said Railway Company, and to make Certificates in pursuance of the Directions hereinafter contained; and that it shall and may be lawful to and for the said Commissioners of Her Majesty's Treasury during such Period as aforesaid from Time to Time to revoke the Appointment of such Auditor or Auditors, or any of them, and such Auditor or Auditors from Time to Time to remove, and his or their Powers and Authorities to revoke, and any other Person or Persons in the Place of such Person or Persons so displaced, or of any Person dying, to appoint with the same Powers or Authorities, and the said Railway Company shall pay to each of the Persons so appointed such a Sum for his Trouble in making such Audit as the said Commissioners of Her Majesty's Treasury shall from Time to Time fix and determine.

Treasury to appoint Auditors of Company's Accounts.

XI. And be it enacted, That for the Purpose of ascertaining the Amount of net Profits (if any) of the whole or any Portion of the said Railway from *Athlone* to *Galway* the said Railway Company shall from Time to Time, and at all Times so long as any Principal Monies shall remain unpaid in respect of any Securities to be given to the said Public Works Loan Commissioners as aforesaid, keep the Accounts of the Receipts and Expenditure relating to the whole or any Portion of the Railway between *Athlone* and *Galway*, and all Matters connected therewith, separate and distinct from the Accounts of all other Receipts and Expenditure by the said Railway Company, such Accounts to be kept in such Manner and Form as such Auditor or Auditors shall from Time to Time direct; and that the said Company shall after any such Advances, and within One Calendar Month after the Thirtieth Day of *June* and the Thirty-first Day of *December* in every Year, make out or cause to be made out and rendered to the said Auditor or Auditors a full, true, and distinct Account of all the Receipts and Expenditure for the then preceding Half Year of and relating to the said Railway from *Athlone* to *Galway*, and every Part thereof, which Account the said Auditor or Auditors shall and he or they is or are hereby authorized and empowered to examine with the Documents or Vouchers evidencing the same (which Documents and Vouchers, and all Books, Papers, and Accounts in the Custody or Control of the said Railway Company relating to the Business of the said Company, shall, upon the Request of the said Auditor or Auditors to that Effect, be forthwith produced by the

For the Purpose of ascertaining net Profits, Railway Company to keep separate Accounts relating to Line between Athlone and Galway.

Accounts to be audited.

the said Company to him or them who shall be at liberty to examine the same); and for the Purpose of judging of the Accuracy of such Account such Auditor or Auditors shall and may and he and they is and are hereby empowered to examine all other the Accounts of the said Company relating to the other Parts of the said Railway or Branches now made or hereafter to be made; and which said Accounts and the Vouchers relating to the same the said Company are hereby directed to keep and produce during such Time as aforesaid as the said Auditor or Auditors shall direct, and he or they shall adjust and balance such Accounts relating to the said Railway from *Athlone* to *Galway*, and complete such Audit for the Purpose of ascertaining whether during such preceding Half Year any Profit shall have been made, and of preparing such Certificate as is herein-after mentioned; and the Opinion of such Auditor or Auditors as to the Mode of keeping and balancing such Accounts as aforesaid, and as to the Monies or Proportion of Monies to be charged to the said Railway from *Athlone* to *Galway*, either as Capital or Income, and as to all other Matters relating to the said Accounts, or what in his or their sole Opinion shall be considered as Profit, shall in all respects be final and conclusive on all Parties.

**Auditor shall, on Completion of each Audit, ascertain if Company have made Payments as by Security for Loans they are liable to, and also Amount of Profits.**

XII. And be it enacted, That such Auditor or Auditors shall on the Completion of every half-yearly Audit, and so long as any Monies advanced to the said Railway Company as aforesaid shall remain unpaid, ascertain and determine whether the said Railway Company have, by themselves or otherwise, for the preceding Half Year made such half-yearly Payments as by virtue of the Security or Securities for any such Loan or Loans they shall be liable to pay, and also after the said Railway from *Athlone* to *Galway*, or any Part thereof, shall have been completed and open to the Public, (from a Profit and Loss Account of the Income and Expenditure of the said Railway from *Athlone* to *Galway*,) ascertain and determine the Amount, if any, of Profit which shall appear on such Account to have been made during such Half Year.

**Auditors to certify Sums payable by certain Baronies.**

XIII. And be it enacted, That when such Auditor or Auditors shall find that the said Railway Company have made such Payments as aforesaid for the preceding Half Year, and not before, then he or they shall by a Certificate under his or their Hand or Hands certify the same, and also the Amount of Profit (if any), after the said Railway between *Athlone* and *Galway*, or any Part thereof, shall have been opened, appearing on such Account as aforesaid, and (after deducting such Profit (if any) from the Amount of the said half-yearly Payments of One Pound Fifteen Shillings *per Centum* secured to be paid by such Baronies and Half Baronies and County of the Town of

*Galway*

*Galway* as aforesaid) the said Auditor or Auditors shall in such Certificate ascertain and state the Balance remaining to be paid to make up such half-yearly Payments of One Pound Fifteen Shillings *per Centum* as aforesaid, and the proportionate Part of such Balance which is to be raised and levied in each such Barony and Half Barony and County of the Town of *Galway*, such proportionate Parts to be ascertained and determined according to the several Proportions to be specified and set forth in the herein-before mentioned Award: Provided nevertheless, that after the said Railway between *Athlone* and *Galway*, or any Part thereof, shall have been completed and opened to the Public, and when and so often as the Profit on such Account as aforesaid shall equal or exceed the said half-yearly Payments of One Pound Fifteen Shillings *per Centum*, secured to be paid by such Baronies and Half Baronies and County of the Town of *Galway*, then such Auditor or Auditors shall state the same in such Certificate, and that consequently for such Half Year no Payment is to be made in respect of such half-yearly Payments secured to be made by the said Baronies and Half Baronies and County of the Town of *Galway*, and every such Certificate shall be final and binding on all Parties.

Proviso.

XIV. And be it enacted, That in taking and keeping the aforesaid Account of Profit and Loss no Payment by the said Railway Company to the said Public Works Loan Commissioners, nor any Receipts by the said Railway Company in respect of such half-yearly Payments of One Pound Fifteen Shillings *per Centum*, shall be taken into account as Profit or Loss, but the same shall solely contain the Amount of Income and Expenditure relating to the aforesaid Railway from *Athlone* to *Galway;* and when in any One Half Year the Amount of Profit shall exceed the Sum which in case of no Profit would have been payable by such Baronies and Half Baronies and County of the Town of *Galway*, then, after deducting therefrom the Amount which would otherwise have been so payable, the Balance of any Profit remaining shall be carried to the next half-yearly Account as Profit.

Provisions with respect to Profit and Loss Account.

XV. And be it enacted, That the said Auditor or Auditors shall, on the Request of the said Railway Company, and within One Calendar Month after the Date of every such Certificate, deliver the said Certificate, and a Duplicate or Duplicates thereof, to the said Company.

Auditors to deliver Certificate to Railway Company.

XVI. And be it enacted, That the said Railway Company shall from Time to Time deliver the said Certificate, or such Duplicate thereof as aforesaid, to the Secretary of the Grand Jury of each County

Sums mentioned in Auditor's Certificate to be presented

by Grand Jury, and paid by Treasurer.

County or County of a Town in which any such Barony or Half Barony or County of a Town as aforesaid shall be situate, and each Secretary of the Grand Jury shall lay such Certificate or Duplicate thereof before the Grand Jury of such County or County of a Town at the next Assizes after he shall receive the same, and it shall be lawful for every such Grand Jury and they are hereby required, without Application to Presentment Sessions, to present the Sum specified to be payable in every such Certificate relating to such County or County of a Town to be raised and levied off such respective Baronies or Half Baronies in each of the said Counties, or off such County of a Town, and the same shall be raised and levied accordingly together with and in like Manner and subject to like Provisions as other Monies presented by such Grand Jury at the same Assizes, and the Treasurer of such County or County of a Town shall pay the Sum so presented by the Grand Jury, when and as by him received, unto the said Railway Company, or in such other Manner as the said Company shall direct: Provided always, that if the Grand Jury of any such County or County of a Town shall fail to present the Sum or any Part thereof specified to be payable in any such Certificate relating to such County or County of a Town, the Treasurer of such County or County of a Town shall and he is hereby required to insert such Sum or such omitted Part thereof in his Warrant for raising the Monies presented at the same Assizes, as if such Sum had been duly presented by such Grand Jury to be raised in manner herein-before mentioned off the respective Baronies or Half Baronies properly chargeable therewith as aforesaid, or County of a Town (as the Case may be), and the same shall be raised and levied off such Barony or Half Barony or County of a Town (as the Case may be) accordingly, as if the same had been so presented, and the said Treasurer shall pay over the Amount, when by him received, as herein-before provided in the Case of such Money being presented by the Grand Jury.

In case the Grand Jury fail to present, Treasurer shall insert such Sum in the Warrant, which shall be levied as if it had been presented.

Railway Company's Powers of borrowing Money not to be affected by this Act, except as herein mentioned.

XVII. And be it enacted, That, notwithstanding the said Railway Company may borrow any Monies in pursuance of this Act, such borrowing shall not prevent their borrowing any Sum or Sums of Money which by the aforesaid Acts relating to the said Railway they are or shall be authorized to borrow, and they shall be entitled to borrow the same in all respects as to Amount, Security, or otherwise as if this Act had not passed, and as if no Monies had been borrowed under the Powers of this Act, except that the Securities to be given by the said Company shall be subject in all respects to the Securities at any Time to be made in pursuance of this Act, and except that if the said Company shall borrow any Monies in pursuance of the Powers of this Act the said Company shall not be entitled,

entitled, in pursuance of the Powers contained in the said Act for making the said Railway from *Athlone* to *Galway*, to borrow any of the Monies by that Act authorized to be borrowed.

Company to make out Maps and Schedules of Lands, &c. required for Railway from Mullingar to Galway.

XVIII. And whereas it is expedient, for the Purpose of employing the Poor in that Part of *Ireland*, that the said Railway Company should be enabled to enter into possession of the Land and other Hereditaments required for the Purposes of the said Railway from *Mullingar* to *Galway*, and by the said Acts respectively relating to such Railway authorized to be taken by the said Company: And whereas the said Railway forms the central Part of the Main Line from *Dublin* to *Galway*, and the whole Line of Railway Communication cannot be completed unless Provision is made for constructing the said Line from *Mullingar* to *Athlone* simultaneously with that from *Athlone* to *Galway*, and the said Company have agreed to proceed therewith without Delay upon obtaining immediate Possession of the Land necessary for that Purpose: Be it therefore enacted, That the said Company shall cause to be made out, and to be signed with the Names of their Engineer and Secretary, Maps and Schedules of all such Lands and Hereditaments, together with the Names of the Owners or reputed Owners, Lessees, and Occupiers thereof, as far as the same can be reasonably ascertained, with Estimates of the gross annual Value, and the Value thereof in Fee, (taking into consideration Damage by way of Severance, and any other Matters by "The Lands Clauses Consolidation Act, 1845," required to be considered, if necessary,) of all such Lands and Hereditaments respectively required for the Purposes of the said Railway from *Mullingar* to *Galway*, and every such Map shall be upon a Scale of Two hundred Feet to the Inch; and all Lands, Buildings, Yards, Courtyards, and Lands within the Curtilage of any Building and Ground cultivated as a Garden shall be marked with the distinct Numbers corresponding with the Numbers marked upon the Parliamentary Plans and Sections of the said Railway, and shall have put thereon a distinct Valuation to each Number; and the Company shall deposit such Maps, Schedules, and Estimates at the Office of the Commissioners of Public Works in the City of *Dublin*, and a Copy of such Maps, Schedules, and Estimates with the Secretary of the Grand Jury of the County, County of a City, or County of a Town in which such Lands, Tenements, and Hereditaments shall be situate.

Maps, &c. to be deposited with the Commissioners of Public Works, and a Copy with Secretary of Grand Jury.

Power for Company to take possession of Lands, &c. on Approval of Plans and

XIX. And be it enacted, That such last-mentioned Commissioners shall consider such Valuations as aforesaid, and may at their sole Discretion alter or vary the same, and may call for such further Information relating thereto as they shall think fit; and so soon as the

Estimates by the Commissioners of Public Works.

the said last-mentioned Commissioners or any Two of them shall from Time to Time have signified in Writing their Approval and Sanction of any such Maps, Schedules, and Estimates deposited as aforesaid, or any Part thereof, it shall be lawful for the said Company from Time to Time to enter upon any Lands and Hereditaments described in such Plans so deposited as aforesaid, the Estimate of the Value whereof shall have been approved as aforesaid, and thenceforward to hold the same in Fee discharged of all Estates and Interests whatsoever of any Person or Body whomsoever; and further, that the said Company shall proceed to deposit so much of the said Maps, Schedules, and Estimates so approved of as aforesaid, as relates to each Parish in which any Lands or Hereditaments required to be taken for the Purposes of the said Railway between *Mullingar* and *Galway* are situate with the Clerk of the Poor Law Union of every such Parish, and thereupon the Company shall publish a Notice once in the *Dublin Gazette*, and once for Three successive Weeks in some one and the same Newspaper circulated in the County in which such Lands, Tenements, and Hereditaments are situate; and every such Notice shall state the Time and Place of depositing such Maps, Schedules, and Estimates with the Clerk of such Union, and the Sanction and Approval of the said Maps, Schedules, and Estimates by the said Commissioners of Public Works, and shall require all Persons claiming to have any Right to or Interest in the Lands and Hereditaments required for the Purposes of the said Railway in such Parish to deliver to the Company on or before a Day to be named in such Notice (and which Day shall not be earlier than Thirty-one Days from the Date of the Insertion of the last of such Newspaper Notices) a short Statement in Writing of the Nature of such Claim or Right, and a short Abstract of the Title on which the same shall be founded, such Statement and Abstract to be paid for by the said Company.

Plans to be deposited, and Notices given.

Certificates of Value to be delivered by Company.

XX. And be it enacted, That within Thirty Days from the Delivery of such Statement and Abstract as aforesaid the said Company shall, when it shall appear to them that the Party or Parties so claiming as aforesaid are absolutely entitled to the said Lands or Hereditaments claimed by them, deliver to such Party or Parties, on Demand, a Certificate under the Company's Seal stating the Amount of the Valuation so put by the Company as aforesaid; and where it shall appear to the said Company that there are different Interests existing in the same Lands or Hereditaments, then the said Company shall apportion the Amount of their said Valuation according to such different Interests, and shall deliver, on Demand, to each Party claiming such different Interests as aforesaid, a Certificate under the Seal of the said Company stating the Valuation of the Interest to which

which such Party so claiming as aforesaid is in the Opinion of the Company entitled to receive; and where more Land or Hereditaments than is included in One Number shall be claimed by the same Party or Parties, such Land or Hereditaments, and the Valuations thereof or of the Interests therein, may be included in One Certificate if the Company shall think fit, such Certificates to be prepared by and at the Costs of the said Company.

**Amount mentioned in Certificates to be paid to Parties on Demand, or into Court of Exchequer in Ireland.**

XXI. And be it enacted, That the said Company shall, on Demand, pay to the Party or Parties to whom any such Certificate shall have been given, or into the Court of Exchequer in *Ireland* in the Cases herein-after mentioned, the Amount of Monies specified to be payable by such Certificates to the Party or Parties to whom or in whose Favour such Certificates shall be given, his or her Executors, Administrators, or Assigns; and if the said Company shall wilfully make default in such Payment as aforesaid, then the Party or Parties named in such Certificate shall be entitled to enter up Judgment against the said Company in the Court of Queen's Bench in *Ireland* for the Amount of the Sums specified in such Certificates respectively, in the same Manner in all respects as if they had been, by Warrant of Attorney from the said Company, authorized to enter up Judgment for the Amount mentioned in the Certificate, with Costs as is usual in like Cases; and all such Monies payable under such Certificates, or to be recovered by such Judgments as aforesaid, shall at Law and in Equity be taken as Personal Estate as from the Time of the Company entering on any such Lands or Hereditaments as aforesaid.

**Receipts duly stamped to operate as a Conveyance.**

XXII. And be it enacted, That where any Monies shall be paid on such Certificates as aforesaid, the Parties receiving such Monies shall give to the said Company Receipts for the same, and such Receipts shall have the Effect of a Release or Conveyance of all the Estate and Interest of such Parties in the said Lands or Hereditaments, and of that of all Parties claiming under or through them, so as such Receipts shall have the same Stamp impressed thereon in respect of the Purchase Monies mentioned in such Certificate, but exclusive of the Amount paid for Severance and consequential Damages, as would have been necessary if the same had been an actual Conveyance of such Estate or Interest, such Receipts to be prepared by and at the Costs of the said Company.

**If Parties making Claim are deemed not entitled, or shall be under Disability, or if Title**

XXIII. And be it enacted, That if it shall appear to the said Company from such Statement and Abstract as aforesaid or otherwise that the Party or Parties making such Claim as aforesaid are not absolutely entitled to the said Lands or Hereditaments, or shall be under any Disability, or if the Title to such Hereditaments shall not be

shall not be satisfactorily deduced, Monies to be paid into Court.

be satisfactorily deduced to the said Company, then the Amount of any such Valuations as aforesaid, or of any Monies to be recovered on any Traverse as after mentioned, or payable in respect of any Judgment or Execution as after mentioned, exceeding Twenty Pounds, shall on the Request of any Party claiming any Interest in the Lands or Hereditaments included in any such Valuations, or without such Request, if the said Company shall think fit, be paid into Court in all respects as by "The Lands Clauses Consolidation Act, 1845," is provided in Cases of Sales by Parties under Disability; and such Monies shall be dealt with in all respects as if the same had been paid into Court in pursuance of the Provisions of the said last-mentioned Act on a Sale of any such Lands or Hereditaments by a Party under Disability as defined by the same Act; and every such Sum not exceeding Twenty Pounds may be paid and applied to the Parties who under the Lands Clauses Consolidation Act would be entitled to receive the same in case their Lands or the Interests therein had been taken under the Powers in the said Lands Clauses Consolidation Act contained.

Value of Lands not claimed within Twelve Months to be paid into Court.

XXIV. And be it enacted, That when the said Company shall have taken possession of any Lands or Hereditaments under the Provisions of this Act, and no Claim shall have been made in respect thereof, or of some particular Interest therein, within One Year from the Time of the Company taking possession, then the said Company shall pay the Amount of such Valuation, either of the Fee or of any derivative Interest therein not claimed for as aforesaid, into Court, as is by the said Lands Clauses Consolidation Act, 1845, provided in Cases where Lands are taken possession of on no Title being shown, and the same shall be accordingly dealt with as by the said Act is provided.

Nothing to prevent Company requiring further Evidence of Title, at their Costs.

XXV. And be it enacted, That nothing herein-before contained shall prevent the said Company from requiring any further Abstract of Title or Statement respecting any Lands or Hereditaments included in any such Valuations, in addition to the Abstract or Statement herein-before mentioned, if they shall think fit, so as any such further Information be obtained at the Costs of the said Company.

Delivery of Certificate by Company may be enforced by Court of Chancery.

XXVI. And be it enacted, That if from any Reason whatsoever the said Company shall not deliver the Certificate aforesaid to any Party claiming to be entitled to any Interest in any Lands or Hereditaments, the Possession whereof shall have been taken by the Company as aforesaid, then the Right to have a Certificate according to the Provisions of this Act may be enforced by any Party or Parties by

by Application to the High Court of Chancery in *Ireland* in a summary Way by Petition; and all other Rights and Interests of any Party or Parties arising under the Provisions of this Act may be in like Manner enforced against the said Company by such Application as aforesaid.

Parties dissatisfied with Amount certified, or Valuation, may enter a Traverse at Assizes.

XXVII. And be it enacted, That it shall be lawful for every Person or Persons named in any Certificate issued under the Provisions herein-before contained, or in anywise claiming under such Person or Persons, and who shall be dissatisfied with the Amount in such Certificate certified to be payable, and also for all Parties claiming any Interest in any Monies so paid into Court as aforesaid, and who shall be dissatisfied with the Amount of the Valuation of the Hereditaments in respect of which such Monies shall be so paid into Court as aforesaid, or of any Interest therein, at the Assizes next following the giving such Certificates or the Payment of Money into Court, whichever shall first happen, or at the next subsequent Assizes, upon giving Ten Days Notice in Writing previously to such Assizes respectively to the Secretary of the Company of the Amount of Damages intended to be claimed, to have a Traverse for Damages entered in the Crown Book in respect of such Claim by him or her, and thereupon such Traverse shall be tried in like Manner, and like Proceedings shall be had, and subject to like Provisions as far as the same can be applied, as in the Case of Traverses entered for Damages under the Acts for consolidating and amending the Laws relating to the Presentment of Public Monies by Grand Juries in *Ireland*: Provided always, that the Sum to be awarded or allowed as the Costs, Charges, and Expenses of the Trial of every such Traverse for Damages shall in no Case exceed the Sum of Ten Pounds; and further that no Party or Parties shall have any other Remedy for the Purpose of ascertaining the Amount of the Value of any Lands or Hereditaments to be taken under the Powers of this Act, or of impeaching the Amount of the Valuation put thereon as aforesaid, other than by means of such Traverse as aforesaid, anything in any of the aforesaid Acts or any Acts incorporated therewith, or in this Act, to the contrary notwithstanding.

Verdict on Traverse to have Effect of Judgment.

XXVIII. And be it enacted, That the Entry of the Verdict of the Jury in all Cases of every Traverse in the Crown Book shall be a final Decision, and binding upon all Parties interested, and shall have the Effect of a Judgment in an Action at Law obtained in the Court of Queen's Bench in *Ireland* against the said Company, and may be enforced by like Remedies against the said Company as in the Case of Judgments in Actions at Law by all Parties interested therein; and in Cases where a Certificate shall have been delivered such Damages shall

shall be taken and recovered in lieu of the Monies expressed to be payable by the Certificate, and which shall, on Payment of the Damages and any Costs payable by the said Company, be delivered up to the said Company; and such Receipt for such Damages shall be given as is herein-before provided in Cases of Payment of Monies on such Certificates as aforesaid; and where such Damages shall be given in respect of any Lands or Hereditaments, the Amount of the Valuation of which shall have been paid into Court, then, if the Amount of such Damages shall be less than the Amount paid into Court, the said Company shall, on a summary Application by Petition, be entitled to receive the Difference between the Amount of such Damages and the Amount of the Sum paid into Court, but if the Amount of the Damages shall exceed the Amount of the Monies paid into Court, then the Difference between the Amount paid in and the Damages shall, at the Costs of the said Company, be paid into Court; and the Payment of such Difference into Court, and the Payment of any Costs payable by the said Company in respect of such Traverse shall be a good Discharge to the said Company on any such Verdict in the Nature of a Judgment as aforesaid.

Provisions of 8 & 9 Vict. c. 18. extended to this Act.

XXIX. And be it enacted, That all the Provisions of the said Lands Clauses Consolidation Act, 1845, shall be held to extend to this Act, except so far as the same are altered or varied or are inconsistent with the Powers and Provisions of this Act.

Additional Lands authorized to be taken by Company's Acts may be taken under this Act.

XXX. And be it enacted, That it shall be lawful for the Company to take and hold Lands which by the Acts for making the said Railway from *Mullingar* to *Galway* they are authorized to take for additional Purposes, subject and according to the Provisions of this Act, and as if they were Part of the Lands herein-before authorized to be taken by the said Company.

Powers, &c. of recited Acts to have the same Force as if re-enacted in this Act.

XXXI. And be it enacted, That all and every the several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures contained in the said Acts relating to the said Public Works Loan Commissioners, and in all other Acts of Parliament whatsoever relating to the said Public Works Loan Commissioners, and recited or referred to in the said first-mentioned Act passed in the Session held in the Ninth and Tenth Years of the Reign of Her present Majesty, shall not be affected by any Act or Acts of Parliament passed or to be passed, save so far as the same may be therein and thereby altered, varied, or repealed, by express Reference to the said recited Acts or this Act; and all and every the said

said several Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures, so far as the same can be made applicable and are not varied by this Act, shall be taken to extend to this Act, and to every thing to be done in pursuance of this Act, and to the Securities to be given in pursuance of this Act, and as if such Clauses, Powers, Authorities, Provisoes, Enactments, Directions, Regulations, Restrictions, Privileges, Priorities, Advantages, Penalties, and Forfeitures were herein repeated and set forth and made applicable to the Securities to be given in pursuance of this Act, and every other Matter or Thing to be done by virtue of this Act.

Power for Public Works Loan Commissioners, with the Consent of Treasury, to take possession of the Railway, &c. between Athlone and Galway, and to transfer the same, and all the Company's Interest, Rights, and Privileges therein or relating thereto, to other Parties, if the Railway from Mullingar to Galway be not completed by 31st Dec. 1851.

XXXII. And be it enacted, That in case the said Railway between *Mullingar* and *Galway* shall not be completed by the said Railway Company and opened for the Use of the Public on or before the Thirty-first Day of *December* One thousand eight hundred and fifty-one, and in case any Monies shall have been advanced to the said Railway Company under the Provisions of this Act, and which shall be unpaid, then and thereupon it shall be lawful for the Public Works Loan Commissioners, with the Consent of the Commissioners of Her Majesty's Treasury, at any Time after the said Thirty-first Day of *December* One thousand eight hundred and fifty-one, and notwithstanding any subsequent Receipt of Interest or Principal, to enter upon and take possession of the entire Line of Railway belonging to the said Company between *Athlone* and *Galway*, or so much thereof as shall be completed, and all Lands and Hereditaments acquired or agreed to be acquired by the said Railway Company for the Purposes of the said Line, and any Stations or Buildings belonging to or intended to be appropriated to the said Line, and thenceforth to hold the same freed and discharged from all Claim and Demand whatsoever both at Law and in Equity of the said Railway; and the said Public Works Loan Commissioners, with such Consent as aforesaid, may transfer the said Line, Property, and Effects to any Company or Partnership or Party, subject nevertheless to the Payment by such Transferee of the Monies due to the said Public Works Loan Commissioners, and Interest, in all respects as is or shall be provided with respect to the Payment thereof by the said Railway Company; and thereupon such Transferee shall be entitled to have the said Line, Property, and Effects for his own Use, freed and discharged from all Claims and Demands whatsoever of the said Railway Company; and, as regards the said Line from *Athlone* to *Galway*, and the Property therein, such Transferee shall have all and every the Rights, Powers, and Privileges by any of the said recited Acts or this Act given or vested in the said Railway Company, and in all respects as if the same were herein repeated and conferred on or given to such Transferee, to the end

 and

and intent that such Transferee may complete the said Line, and acquire Lands and Hereditaments for that Purpose, and work the same, and receive and take Tolls in respect thereof, in all respects as the said Railway Company is by the said Acts or any of them, or this Act, authorized to do, and may in respect of such Railway from *Athlone* to *Galway* stand in the Place of the said Railway Company; and all the Powers and Provisions herein contained with respect to the Securities to be given as aforesaid, and the Powers and Provisions applicable to the said Railway Company, shall apply to such Transferee, and the said several Baronies and Half Baronies and County of the Town of *Galway* shall in all respects be liable to contribute and pay to such Transferee the Monies they would (but for such Transferee) be liable to pay to the said Railway Company, and the same shall be raised and paid accordingly as herein-before is directed, in all respects as if the same were payable to the said Railway Company; and any such Transfer may be made on such Terms and Conditions as the said Public Works Loan Commissioners, with such Consent as aforesaid, may think fit; and on any such Transfer the said Transferee shall in all respects stand in the Place of the said Railway Company as regards the Liability or the Securities to the said Public Works Loan Commissioners, and as if the same had been made to the said Public Works Loan Commissioners by such Transferee instead of by the said Railway Company, except so far as the same may be altered by reason of any special Terms and Provisions made on such Transfer.

**Act may be amended, &c.**

XXXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

LONDON:
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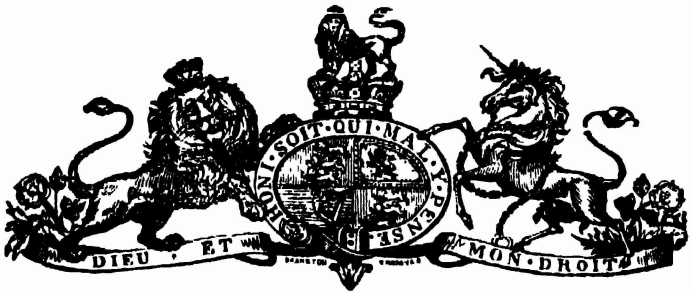
Printers to the Queen's most Excellent Majesty. 1849.




ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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12 & 13 Vict. c. 24. of Parliament, intituled *An Act to make Provision, until the Thirty-first Day of* December *One thousand eight hundred and fifty, for a General Rate in Aid of certain distressed Unions and Electoral Divisions in* Ireland; and all the Powers and Provisions contained in the said Act for the Repayment of the Sum of Money thereby authorized to be issued shall also extend to the Sum hereby authorized to be issued as aforesaid.

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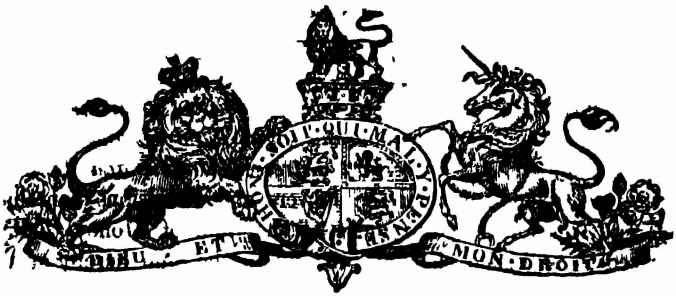

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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Acts of the Justices in any City or Borough confirmed.

II. And be it enacted, That nothing heretofore done in any City or Borough for the Purposes of the said Act by any Two or more Justices having Jurisdiction in such City or Borough shall be deemed or taken to have been illegally or insufficiently done by reason only that neither of the said last-mentioned Justices was Mayor, Bailiff, or Head Officer of such City or Borough, but everything so done by such Two or more Justices, if otherwise lawful, shall be deemed to be and to have been valid to all Intents and Purposes.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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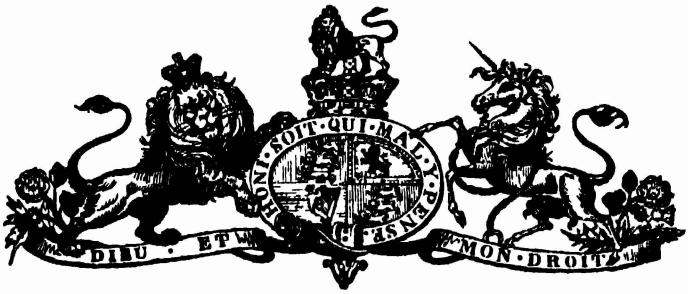


ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

## CAP. LXV.

### An Act to provide a more convenient Mode of levying and collecting County Rates, County Police Rates, and District Police Rates in Parishes situated partly within and partly without the Limits of Boroughs which are not liable to such Rates. [28th *July* 1849.]

WHEREAS there are several Parishes and Places in *England* and *Wales* Parts of which are comprised in Boroughs not subject to contribute to the County Rate or County or District Police Rate, while the Parts out of the Borough are liable to contribute thereto: And whereas there are several Parishes Parts of which are comprised in Boroughs which are subject to District, Borough, and other Rates, while the Parts out of the Borough are not liable to contribute thereto: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That where any Parish or Place separately maintaining its own Poor shall be divided in manner herein-before stated, and any County Rate, or County or District Police Rate, or other Rate which may by Law be raised in like Manner as a County Rate, shall be assessable upon the Part of the Parish or Place which is comprised within the County and excluded from the Borough, the Overseers of such

The Overseers of Parishes situated partly within Boroughs and partly without to collect the

County Rates, County Police Rates, and District Police Rates leviable on the Part of the Parish not comprised within the Borough.

such Parish or Place shall, on Receipt of any Precept or other lawful Demand from the Justices of the County, or other due Authority in that Behalf, demanding the Payment of any Sum of Money as the Contribution of the Part of such Parish or Place out of the Borough towards any such Rate as aforesaid, with all convenient Speed assess the Sum so required upon the Persons liable within such Part of the Parish or Place to pay the Poor Rate therein, by means of a separate Rate, to be made, allowed, and published in like Manner as the Poor Rate, and either by themselves or by the Collector of Poor Rates for the Time being appointed for the said Parish or Place shall collect the same separately or with the Poor Rate payable by the Parties assessed thereto, and for the Purposes of assessing and collecting the same shall have all such Powers, Authorities, Privileges, Protections, and Incidents as belong to them in the assessing and Collection of the Poor Rate; and all Provisions of the Law for enforcing the Collection of the Poor Rate, and recovering the Costs of the Proceedings therein, shall be applicable to the Collection of the Rate or Rates herein provided for.

Similar Provision for the Collection of the Borough Rate in Places similarly situated.

II. And be it enacted, That in every Case in which any such Parish or Place shall be partly within and partly without any Borough, the Overseers or other Persons charged with the Collection of the Rates made for the Relief of the Poor in such Parish or Place, upon the Receipt of any Warrant from the Mayor, or any Justice or Justices of the Peace, High Constable, or other Officer duly authorized to act in that Behalf within the Borough, for the Payment of Money for the Contribution of the Part of such Parish within such Borough towards any District, Borough, or other Rate, (which Warrants every such Mayor, Justice of the Peace, High Constable, and other Officer shall be severally empowered to direct to them in like Manner as if the whole of such Parish or Place were within their Borough,) shall assess upon and levy from the Inhabitants and Occupiers of all Messuages, Lands, Tenements, and Hereditaments liable to the Poor Rates in that Part of their Parish or Place which is within the Borough, the Amount mentioned in the Warrant, either as a separate Rate or Rates, for which the said Overseers shall have all the Powers which belong to them for levying a Rate for the Relief of the Poor, or with and as Part of the Poor Rate to which the Inhabitants and Occupiers of Property within that Part of the Parish or Place may be liable in common with the Inhabitants and Occupiers of Property within the other Part thereof which is not within the Borough, and out of the Monies so levied and collected shall pay the Amount mentioned in the Warrant to the Person duly authorized to receive the same, and in default thereof shall be subject to all the Provisions and Penalties provided by this Act, or any Act concerning the Non-payment of any Borough Rate.

III. And

III. And be it enacted, That any Person assessed to any Rate made under the Authority of this Act may appeal against the same in like Manner, and with the like Consequences in all respects, and subject to the same Provisions and Regulations, as in Appeals against the Poor Rate; and that every Overseer and Collector shall account for the Money levied, collected, and expended under the Authority of this Act, to the Auditor of the District comprising such Parish or Place, in like Manner as for the Poor Rate, and if any Balance be found to be in his Hands shall apply the same towards the next Rate required for the Purpose of this Act, or shall pay the same to his Successor in Office; and in default of his so applying the same while in Office, or making Payment to his Successor within Seven Days after the Balance shall have been found, such Auditor shall proceed to recover the same from the Person holding the same, in like Manner as Sums certified by him to be due from Persons accounting shall from Time to Time be recoverable, and he shall be paid his Costs and Expenses, when not recovered from the Defendant, by the then Overseers of the Parish or Place, who shall be reimbursed out of the Balance of such Rate, or, if need be, out of the next Rate.

Appeal against the Rate, and Audit of the Accounts.

IV. And be it enacted, That where a Precept shall be issued to the Guardians of the Union comprising any such Parish or Place, under the Provisions of the Act passed in the Eighth Year of the Reign of Her Majesty, intituled *An Act for facilitating the Collection of County Rates, and for relieving High Constables from Attendance at Quarter Sessions in certain Cases, and from certain other Duties*, and such Precept shall contain a Sum to be assessed and charged in respect of any such Rate as is herein provided for upon a Part of such Parish or Place as aforesaid, the said Guardians may require the Overseers of such Parish or Place to pay to their Treasurer a Sum of Money sufficient to enable the said Guardians to pay the Sum so assessed, with the other Sums mentioned in the said Precept, to the Treasurer of the County or other Person lawfully authorized to receive it; and the said Overseers shall pay the Amount out of any Monies in their Possession belonging to the Parish or Place, or to the Part of such Parish or Place respectively, and reimburse themselves, if necessary, by a Rate, to be levied as hereinbefore described, upon the Persons liable thereto, or if they have no such Monies shall forthwith proceed to levy and collect the requisite Amount by such Rate, and pay the same over to the Treasurer of the said Guardians: Provided nevertheless, that if such Overseers make default and do not make the requisite Payment within the appointed Time, they shall be subject to be proceeded against in like Manner as the Overseers of a Parish wholly situated within the County are subjected to under the Provisions of the said Act.

Mode of procuring the Funds when the Precept is sent to the Guardians of the Union comprising the divided Place.

7 & 8 Vict. c. 33.

V. And

Where the Amount required for the County or other Rate is small, the making of the Rate for Reimbursement may be postponed.

V. And be it enacted, That where the Amount required in respect of any such County Rate, Police or District Police Rate, from any Part of such Parish or Place as aforesaid, shall in the Judgment of such Overseers be so small as to render the levying and collecting of a separate Rate for it inconvenient, the Overseers may postpone the Reimbursement of themselves for any such Advance as aforesaid, and they or their Successors may afterwards, on the Recurrence of the next Precept or other lawful Demand, or of that next but one, levy and collect such a Rate as aforesaid to raise the whole Amount so previously advanced and unsatisfied out of the Poor Rates of the Parish, as well as the Amount required by the then Precept or Demand, and shall apply the Sum so collected in Reimbursement of the previous Payments, and the Satisfaction of such Precept or Demand, and shall apply the Balance, if any, towards the Discharge of the next Precept or Demand.

Repeal of certain Part of 1 Vict. c. 81.

VI. And be it enacted, That from the Twenty-ninth Day of September One thousand eight hundred and forty-nine so much of the Act passed in the First Year of Her Majesty, intituled *An Act to provide for the levying of Rates in Boroughs and Towns having Municipal Corporations in* England *and* Wales, as applies to the making, levying, and collecting the County Rate and Borough Rate in divided Parishes or Places, shall, except in respect of Rates before that Time made, levied, or collected, or of any Arrears of Rates in course of being collected, be repealed, and all Balances which may remain over the Sums required by the Precepts under which the Rate was levied shall be applicable towards the Discharge of the next County Rate or Borough Rate assessed upon such divided Parish or Place, and if not so applied by the Party holding the same shall be recoverable by the Person entitled to receive the same, on Complaint before Two Justices of the Peace of the County having Jurisdiction in that Part of the Parish or Place, who shall make an Order for the Payment of the Sum due, to be enforced in like Manner and with the like Consequences as Orders of Justices for the Payment of Money shall be then by Law enforceable.

Act may be amended, &c.

VII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. LXVI.

### An Act for enabling Colonial Legislatures to establish Inland Posts. [28th *July* 1849.]

WHEREAS under or by virtue of an Act passed in the Fifth Year of His late Majesty King *George* the Third, intituled *An Act to alter certain Rates of Postage, and to amend, explain, and enlarge several Provisions in an Act made in the Ninth Year of the Reign of Queen* Anne, *and in other Acts, relating to the Revenue of the Post Office*, and an Act passed in the First Year of Her present Majesty, intituled *An Act for the Management of the Post Office*, and an Act passed in the Fourth Year of Her present Majesty, intituled *An Act for the Regulation of the Duties of Postage*, and an Act passed in the Eighth Year of Her present Majesty, intituled *An Act for the better Regulation of Colonial Posts*, Her Majesty's Postmaster General has, by himself or his Deputies, the exclusive Privilege of establishing Posts, collecting, conveying, and delivering Letters, and collecting Postage, within Her Majesty's Colonies, and the Commissioners of Her Majesty's Treasury have Authority from Time to Time to fix the Rates of Postage to be charged within such Colonies: And whereas the said Postmaster General and Commissioners of Her Majesty's Treasury respectively have, in exercise of such Privilege and Authority, established Posts and fixed Rates of Postage in certain of such Colonies:

5 G. 3. c. 25.

7 W. 4. & 1 Vict. c. 33.

3 & 4 Vict. c. 96.

7 & 8 Vict. c. 49.

Colonies: And whereas it is expedient to authorize the Establishment of Posts and Postage Rates in Her Majesty's Colonies by the Legislatures of such Colonies: Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Legislatures or proper Legislative Authorities of Her Majesty's Colonies, or any of them, by Acts, Laws, or Ordinances to be from Time to Time for that Purpose made and enacted in the Manner and subject to the Conditions by Law required in respect of Acts, Laws, or Ordinances of such Legislatures or Legislative Authorities, to make such Provisions as such Legislatures or Legislative Authorities may think fit for and concerning the Establishment, Maintenance, and Regulation of Posts or Post Communications within such Colonies respectively, and for charging Rates of Postage for the Conveyance of Letters by such Posts or Post Communications, and for appropriating the Revenue to be derived therefrom.

Colonial Legislatures may establish Posts, &c.

Provision as to Colonies in which Posts have been established by the Postmaster General.

II. Provided always, and be it enacted, That where in any Colony Her Majesty's Postmaster General shall have actually established any Post or Post Communication, and his Powers and Privileges in relation to such Post or Post Communication shall not have determined under this Act, no such Act, Law, or Ordinance of the Legislature or Legislative Authority of such Colony in relation to the Matters aforesaid, or any of them, shall take effect, unless the same shall be assented to by Her Majesty, with the Advice of Her Privy Council, nor until the Time when such Assent shall be proclaimed in the Colony, or such subsequent Time as in the Order of Her Majesty in Council by which the Assent to such Act, Law, or Ordinance may be signified shall be fixed in this Behalf.

After Establishment of Posts by Colonial Legislature Powers of Postmaster General, &c. to cease.

III. And be it enacted, That where, under the Provision herein contained, the Assent of Her Majesty in Council is required to such Act, Law, or Ordinance, the Rates of Postage charged in such Colony under the Acts herein-before referred to, or any of them, or under any Warrant or Warrants of the Commissioners of Her Majesty's Treasury issued in pursuance of such Acts or any of them, and the Authority of such Commissioners to fix the Rates of Postage to be charged in such Colony, and the Powers and Privileges of Her Majesty's Postmaster General, his Deputies, Servants, and Agents, in relation to the Posts or Post Communications within such Colony, shall, from the Time at which such Act, Law, or Ordinance shall take effect, cease and determine; and, save as aforesaid, the Authority, Powers, and Privileges aforesaid shall cease and determine upon the passing of such Act, Law, or Ordinance, unless Her Majesty shall think fit to disallow the same.

IV. Pro-

IV. Provided always, and be it enacted, That no such Act, Law, or Ordinance as aforesaid shall affect the Privileges, Powers, or Authorities of Her Majesty's Postmaster General, his Deputies, Servants, or Agents, or the Commissioners of Her Majesty's Treasury, otherwise than as respects the Posts or Post Communications within the Limits of the Colony by the Legislature or Legislative Authority of which such Act, Law, or Ordinance shall be made and enacted, and the Rates of Postage to be charged for the Transmission or Conveyance of Letters within such Limits.

Act of Colonial Legislature only to extend to Inland Posts.

V. Provided also, and be it enacted, That nothing herein contained shall affect the Provisions of an Act of the Tenth Year of Her Majesty, intituled *An Act to make further Provision for the Government of the* New Zealand *Islands*, or of any Act passed or to be passed in the present Session of Parliament, "for the better "Government of Her Majesty's *Australian* Colonies," empowering the General Assemblies to be established or convened under such respective Acts to make Laws for regulating the Post Offices within and the Carriage of Letters between the said Islands and Colonies respectively, which should control and supersede any Laws, Statutes, or Ordinances repugnant thereto enacted by the Assemblies of the separate Provinces of the said Islands or by the separate Legislatures of the said Colonies respectively.

Act not to affect Powers of General Assemblies under 9 & 10 Vict. c. 103., or any Act concerning the Government of Australian Colonies.

VI. And be it enacted, That in this Act the Expression "Her Majesty's Colonies" shall be interpreted according to the Meaning assigned to that Expression by the said Act passed in the Fourth Year of Her present Majesty; and the Term "Letters" shall include Letters and Packets, Newspapers, Pamphlets, and other printed Papers.

Interpretation Clause.

VII. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

Act may be amended, &c.

LONDON:
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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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ments, or Hereditaments, Tithes, Tithe Rent-charge, or other Parcel of the Benefice to which the Appointment of such Sequestrator relates: Provided always, that nothing herein contained shall be construed to empower the Sequestrator of any Benefice to bring, prosecute, levy, or take any Action, Suit, Distress, or other Proceeding by virtue of this Act, except against the Incumbent of such Benefice, which might not lawfully have been brought, prosecuted, levied, or taken by the Incumbent of such Benefice if such Benefice had not been under Sequestration: Provided also, that no Sequestrator appointed under a Sequestration issued at the Suit or Instance of any Creditor shall be bound to commence, prosecute, levy, or take any Action, Suit, Distress, or other Proceeding as aforesaid under the Provisions of this Act, unless and until Security, to be approved by such Sequestrator, shall be given by the Creditor at whose Suit or Instance such Sequestration shall have been issued, for indemnifying such Sequestrator and the Bishop or other Ordinary or Ecclesiastical Court from all Costs, Charges, and Expenses incurred or to be incurred in the Commencement, Prosecution, or Conduct of such Action, Suit, or Distress, or other Proceeding to which he or they respectively may become liable in consequence thereof, the Expense of such Security to be deducted or allowed out of any Money to be received by the Creditor by virtue of such Action, Suit, Distress, or other Proceeding.

Nothing to empower Sequestrator to bring or take Actions except against Incumbent, &c.

Sequestrator may require Indemnity from the Creditor, at whose Suit the Sequestration shall issue.

All Payments under the Act to be deemed Profits of the Benefice.

II. And be it enacted, That the Payment or Render to such Sequestrator lawfully entitled, with or without Suit, by the Party thereunto liable, of any such Tithe, Tithe Rent-charge, Tithe Composition or Substitution, Rent, Dues, Fees, or Payment, shall effectually discharge the Party making the same from all Liability to the Incumbent of such Benefice in respect thereof, and that such Sequestrator shall and may apply and shall account for the Monies received or arising under or by virtue of any such Render, Payment, or Recovery in like Manner as other Goods and Profits of the Benefice liable to Sequestration: Provided always, that nothing herein contained shall make any Alteration in the Law respecting the Application of the Money received by a Sequestrator, or the Security to be given by him for his duly accounting for the same.

Act may be amended, &c.

III. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

## CAP. LXVIII.

### An Act for facilitating the Marriage of *British* Subjects resident in Foreign Countries.

[28th *July* 1849.]

WHEREAS an Act was passed in the Fourth Year of the Reign of His late Majesty King *George* the Fourth intituled *An Act to relieve His Majesty's Subjects from all Doubt concerning the Validity of certain Marriages solemnized abroad*: And whereas the Provisions of the said Act are applicable only to the Cases of Marriages solemnized by a Minister of the Church of *England* in the Chapel or House of any *British* Ambassador or Minister residing within the Country to the Court of which he is accredited, or in the Chapel belonging to any *British* Factory abroad, or in the House of any *British* Subject residing at such Factory, and of Marriages solemnized within the *British* Lines by any Chaplain or Officer, or other Person officiating under the Orders of the Commanding Officer of a *British* Army serving abroad: And whereas large Numbers of Her Majesty's Subjects are resident abroad at Places where the Provisions of the said Act are not applicable: And whereas it is expedient to afford greater Facilities for the Marriage of Her Majesty's Subjects resident abroad: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That all Marriages (both or One of the Parties thereto being Subjects or a Subject of this Realm) which from and after the passing of this Act shall be solemnized in the Manner in this Act provided in any Foreign Country or Place where there shall be a *British* Consul duly authorized to act in such Foreign Country or Place under this Act shall

4 G. 4. c. 91.

Marriages solemnized abroad in manner provided by this Act to be valid.

shall be deemed and held to be as valid in the Law as if the same had been solemnized within Her Majesty's Dominions with a due Observance of all Forms required by Law.

Notice of every intended Marriage to be given to Consul.

II. And be it enacted, That in every Case of Marriage intended to be solemnized under the Provisions of this Act One of the Parties shall give Notice under his or her Hand, in the Form of the Schedule (A.) to this Act annexed, or to the like Effect, to the Consul within whose District both the Parties shall have dwelt, not less than One Calendar Month then next preceding, and shall state therein the Name and Surname and the Profession or Condition of each of the said Parties intending Marriage, the Dwelling Place of each of them, and that each of them has dwelt within such District during such One Calendar Month at the least.

Consul to file Notices, register them in a Book, and suspend Copies in the Office of the Consulate.

III. And be it enacted, That the Consul shall file all such Notices, and keep them with the Archives of his Consulate, and shall also forthwith enter a true and exact Copy of every such Notice fairly into a Register to be by him kept for that Purpose, and shall likewise suspend a like true and exact Copy of every such Notice in some conspicuous Place in the Office of his Consulate during Seven successive Days if the Marriage is to be solemnized by Licence, or Twenty-one successive Days if the Marriage is to be solemnized without Licence, before any Marriage shall be solemnized in pursuance of such Notice; and the said Register and suspended Copies shall be open at all reasonable Times, without Fee, to the Inspection of Persons desirous of inspecting the same; and upon the Receipt of every such Notice, and before registering and suspending the same, the Consul shall be entitled to have a Fee of Ten Shillings.

Persons duly authorized may forbid the Solemnization of any Marriage.

IV. And be it enacted, That any Person authorized in that Behalf as herein-after mentioned may, at any Time before the Solemnization of any such intended Marriage, forbid the Solemnization of such intended Marriage, by writing the Word "forbidden" opposite to the Entry of the Notice of such intended Marriage in the Register, and by subscribing thereto his or her Name and Place of Abode, and his or her Character in relation to either of the Parties by reason of which he or she is so authorized; and in case the Solemnization of any such intended Marriage shall be so forbidden the Notice shall be void, and such intended Marriage shall not be solemnized under such Notice.

Like Consent to any Marriage by Licence as is required in England.

V. And be it enacted, That the like Consent shall be required to any Marriage by Licence under the Provisions of this Act as is now required by Law to Marriages solemnized in *England* by Licence; and every Person whose Consent to a Marriage by Licence is required by Law is hereby authorized to forbid a Marriage under the Provisions of this Act, whether such Marriage is intended to be by Licence or without Licence.

VI. And

VI. And be it enacted, That before any Marriage by Licence shall be solemnized under this Act both the Parties intending Marriage shall appear before the Consul, and each of them shall make Oath, or shall make his or her solemn Affirmation or Declaration instead of an Oath, that he or she believeth that there is not any Impediment of Kindred or Alliance, or other lawful Hindrance, to the said Marriage, and that both of the said Parties have for the Space of One Calendar Month immediately preceding respectively had their usual Places of Abode within the District of such Consul, and where either of the Parties, not being a Widower or Widow, shall be under the Age of Twenty-one Years, that the Consent of the Person or Persons whose Consent to such Marriage is required by Law has been obtained thereto, or that there is no Person having Authority to give such Consent, as the Case may be; and when and as soon as such Oath, Affirmation, or Declaration shall have been made, the Consul shall, on Payment of a Fee of Twenty Shillings, certify under his Hand on the original Notice and also in the Register that Licence has been granted for the Solemnization of the Marriage in respect of which such Notice was given; and such Certificate shall be deemed and taken to be a Licence for such Marriage.

Consul may grant Licences for Marriage.

VII. And be it enacted, That any Person, on Payment of a Fee of Twenty Shillings to the Consul, may enter a Caveat with the Consul against the Solemnization of the Marriage of any Person named therein, such Caveat being signed by or on behalf of the Person who enters the same, and stating his or her Place of Residence, and the Ground of Objection on which his or her Caveat is founded; and if any Caveat be entered as aforesaid no Marriage of the Person named therein shall be solemnized until the Consul shall have examined into the Matter of the Caveat, and shall be satisfied that it ought not to obstruct the Solemnization of the said Marriage, or until the Caveat shall be withdrawn by the Party who entered the same; and in Cases of Doubt it shall be lawful for the Consul to transmit to One of Her Majesty's Principal Secretaries of State a Copy of such Caveat, with such Statement in relation thereto as such Consul may think fit, and such Secretary of State shall refer the same to the Registrar General of Births, Deaths, and Marriages in *England*, for his Decision; and the said Registrar General, having decided thereon, shall transmit his Decision in Writing to the said Secretary of State, who shall communicate the same to the said Consul: Provided always, that in case the Consul refuse to solemnize or to allow to be solemnized in his Presence the Marriage of any Person requiring such Marriage to be solemnized, such Person shall have a Right of Appeal to One of Her Majesty's Principal Secretaries of State, who shall thereupon either confirm the Refusal or direct the Solemnization of the Marriage.

Caveat against Marriages may be lodged with Consul.

VIII. And be it enacted, That whenever any Marriage shall not be had within Three Calendar Months next after Notice shall have been so given to and entered by the Consul as aforesaid, or where, in the Case

When Marriage not solemnized within Three

Months a new Notice required.

Case of any such Caveat as aforesaid, a Statement shall have been transmitted as aforesaid, or where, on such Refusal as aforesaid of the Consul, a Person shall appeal as aforesaid, and the Marriage shall be directed to be solemnized, then, within Three Calendar Months after the Receipt from the Secretary of State of the Decision with respect to such Caveat or on such Appeal, the Notice shall be void; and the Marriage in respect of which such Notice was given shall not be solemnized until a new Notice shall have been given, and Copies thereof entered in the Register, and suspended in the Office of the Consulate, in accordance with the Provisions of this Act.

After Seven Days by Licence, or Twenty-one Days without Licence, Marriages may be solemnized at the British Consulate, by or in the Presence of the Consul and Two Witnesses.

IX. And be it enacted, That after the Expiration of Seven Days if the Marriage is by Licence, or of Twenty-one Days if the Marriage is without Licence, after Notice shall have been so given to and entered by the Consul as aforesaid, provided no lawful Impediment be shown to the Satisfaction of the Consul why the Marriage should not be solemnized, and that the Marriage has not been forbidden in manner herein provided, it shall be lawful for the Consul to solemnize, or allow to be solemnized by any other Person in his Presence, the Marriage in respect of which such Notice shall have been given, between and by the Parties described in such Notice; and every such Marriage shall be solemnized at the *British* Consulate, with open Doors, between the Hours of Eight and Twelve in the Forenoon, in the Presence of Two or more Witnesses, and may be solemnized, in the Presence of the Consul, according to the Rites of the United Church of *England* and *Ireland*, or according to such other Form and Ceremony as the Parties thereto may see fit to adopt, or may, where the Parties shall so desire, be solemnized by the Consul; and in the Solemnization of every such Marriage not solemnized according to the Rites of the United Church of *England* and *Ireland*, in some Part of the Ceremony, and in the Presence of the Consul and Witnesses, each of the Parties shall declare,

'I Do solemnly declare, That I know not of any lawful Impediment why I *A.B.* may not be joined in Matrimony to *C.D.*'

And each of the Parties shall say to the other,

'I Call upon these Persons here present to witness, That I *A.B.* do take thee, *C.D.*, to be my lawful wedded Wife [*or* Husband].'

Marriage Fees to the Consul.

X. And be it enacted, That the Consul shall be entitled, for every Marriage which shall be solemnized under this Act by him or in his Presence, to have from the Parties married the Sum of Twenty Shillings, if the Marriage shall be by Licence, and otherwise the Sum of Ten Shillings.

Consul to register Marriages in Duplicate in Books to be sent by the Registrar

XI. And be it enacted, That the Consul shall forthwith register in Duplicate every Marriage solemnized as aforesaid in Two Marriage Register Books to be furnished to him for that Purpose from Time to Time by the Registrar General (through One of Her Majesty's Principal Secretaries of State), according to the Form provided

provided for the Registration of Marriages by an Act of the Seventh Year of the Reign of King *William* the Fourth, intituled *An Act for registering Births, Deaths, and Marriages in* England, or as near to such Form as the Difference of the Circumstances will admit of; and the Entry in each such Book of every such Marriage shall be signed by the Person by whom the Marriage shall have been solemnized, if there shall be any such Person other than the Consul, and by the Consul and both the Parties married, and attested by Two Witnesses; and all such Entries shall be made in regular Order from the Beginning to the End of each such Book, and the Number of the Place of Entry in each Duplicate Marriage Book shall be the same.

General through the Secretary of State.

XII. And be it enacted, That in the Month of *January* in every Year every Consul shall make and transmit to One of Her Majesty's Principal Secretaries of State, to be transmitted by him to the Registrar General, a true Copy, certified by such Consul under his Hand and Consular Seal, according to the Form in the Schedule (B.) to this Act annexed, of all the Entries of Marriages during the preceding Year in the Register Book kept by him; and if there shall have been no Marriage registered during such preceding Year, the Consul shall certify such Fact under his Hand and Consular Seal; and the Consul shall keep the said Duplicate Marriage Register Books safely until the same shall be filled, and one of such Duplicate Marriage Register Books, when filled, shall be transmitted to One of Her Majesty's Principal Secretaries of State, to be transmitted by him to the Registrar General.

Copies of the Marriage Register Book to be forwarded yearly to the Secretary of State.

XIII. And be it enacted, That after any Marriage shall have been solemnized under this Act it shall not be necessary, in support of such Marriage, to give any Proof of the actual dwelling for the Time required by this Act of either of the Parties, previous to the Marriage, within the District wherein such Marriage was solemnized, or of the Consent of any Person whose Consent thereto is required by Law, nor shall any Evidence to prove the contrary be given in any Suit touching the Validity of such Marriage.

Proof of Residence of Parties or Consent not necessary to establish Marriage.

XIV. And be it enacted, That it shall be lawful for the Consul by whom or in whose Presence any Marriage is solemnized under this Act to ask of the Parties to be married the several Particulars required to be registered touching such Marriage.

Consul may ask certain Particulars of Parties.

XV. And be it enacted, That if any Marriage shall be had under the Provisions of this Act by means of any wilfully false Notice, Oath, Affirmation, or Declaration made by either Party to such Marriage, as to any Matter to which a Notice, Oath, Affirmation, or Declaration is by this Act required, it shall be lawful for Her Majesty's Attorney General or Solicitor General to sue for the Forfeiture of all Estate and Interest in any Property accruing to the offending

*In case of fraudulent Marriage, the guilty Party to forfeit all Property accruing from the Marriage, as in 4 G. 4. c. 76.*

offending Party by such Marriage; and the Proceedings thereupon, and the Consequences thereof, shall be the same as are provided by Law in the like Case with regard to Marriages solemnized by Licence in *England* according to the Rites of the Church of *England*.

Persons taking false Oaths, &c. guilty of Perjury.

XVI. And be it enacted, That every Person who shall knowingly and wilfully make any Oath, Affirmation, or Declaration, or sign any false Notice, required by this Act, for the Purpose of procuring any Marriage, and every Person who shall forbid any such Marriage by falsely representing himself or herself to be a Person whose Consent to such Marriage is required by Law, knowing such Representation to be false, shall suffer the Penalties of Perjury; and such Offender may be tried in any County or Place in *England* in the same Manner and may be dealt with in all respects as if the Offence had been committed in such County or Place in *England*.

The Certificate of Consul to be Evidence.

XVII. And be it enacted, That in any and every Action or Suit for Forfeiture, and upon any and every Prosecution for Perjury, as aforesaid, the Declaration and Certificate of the Consul, under his Hand and Consular Seal, shall be received and taken as good and valid Evidence in the Law of all Facts and Matters stated in such Declaration and Certificate, without its being necessary for the said Consul to attend in Person to prove the same.

Provisions of Registration Act extended to this Act.

XVIII. And be it enacted, That this Act shall be taken to be Part of the said Act for registering Births, Deaths, and Marriages in *England*, as fully and effectually as if incorporated therewith; and that every Consul shall be deemed a Registrar under the said Act; and that all the Provisions and Penalties of the said Act relating to any Registrar, or Register of Marriages or certified Copies thereof, shall be taken to extend to every such Consul, and the Registers of Marriages under this Act, and to the certified Copies thereof, so far as the same are applicable thereto.

Consuls may be authorized by Secretary of State to solemnize Marriages.

XIX. And be it enacted, That every *British* Consul General and Consul already appointed or hereafter to be appointed to reside in any Foreign Country or Place, who shall be directed or authorized, by Writing under the Hand of One of Her Majesty's Principal Secretaries of State, to solemnize and register Marriages, and any Person duly authorized to act in the Absence of such Consul, or, in any Foreign Place where there is no *British* Consul resident, any Vice Consul or Consular Agent who shall be directed or authorized as aforesaid by One of Her Majesty's Principal Secretaries of State to solemnize and register Marriages in such Place, shall, in the Country or Place in which he is so appointed to reside, or in which he is directed or authorized to solemnize and register Marriages as aforesaid, be a Consul duly authorized for all the Purposes of this Act; and in the Construction of this Act the Term "Consul" shall (save where such Construction would be inconsistent with the Context)

(Context) be construed to mean a Consul so authorized; and the District of every such Consul for the Purposes of this Act shall be all or such Parts of the Foreign Country in which (or at a Place within which) such Consul is appointed to reside, or is so directed or authorized as aforesaid, as such Secretary of State may, by such Writing under his Hand, direct, or, where there shall be no Direction in this Behalf, shall be the District of the Consulate of such Consul.

Certain past Marriages confirmed.

XX. And whereas many Marriages have been entered into abroad by *British* Subjects under Circumstances which may occasion Doubts as to the Validity of such Marriages, and it is expedient that such Marriages should be confirmed in the Cases herein-after mentioned: Be it enacted, That all Marriages, both or one of the Parties being Subjects or a Subject of this Realm, which, before the passing of this Act, have been solemnized in any Foreign Country or Place, or on board a *British* Vessel of War on any Foreign Station, by a Minister in Holy Orders according to the Rites and Ceremonies of the Church of *England*, or of *Ireland*, or of the United Church of *England* and *Ireland*, or by an ordained Minister of the Church of *Scotland;* and all Marriages of the like Parties which have been solemnized according to any religious Rites or Ceremonies or contracted *per verba de præsenti* in any Foreign Country or Place in the Presence of any *British* Ambassador, Minister, Chargé d'Affaires, Consul General, Consul, or Vice Consul exercising his Functions within the Foreign Country or Place in which such Marriages have been had, or on board a *British* Vessel of War on any Foreign Station in the Presence of the Officer commanding such Vessel; and all Marriages of the like Parties which have been solemnized according to any religious Rites or Ceremonies or contracted *per verba de præsenti* in any Foreign Country or Place, and registered by or under the Authority of any *British* Consul General, Consul, or Vice Consul exercising his Functions within such Foreign Country or Place, the Signatures of the Parties being written in the Register, shall be deemed and held to be as valid in the Law and cognizable in the like Manner as if the same had been solemnized within Her Majesty's Dominions with a due Observance of all Forms required by Law: Provided always, that this Enactment shall not extend to render valid any Marriage which before the passing of this Act has been declared invalid by any Court of competent Jurisdiction in any Proceeding touching such Marriage, or any Right dependent on the Validity or Invalidity thereof, or any Marriage where either of the Parties has afterwards, during the Life of the other, lawfully intermarried with any other Person.

Extent of Act.

XXI. Provided always, and be it enacted, That nothing in this Act contained shall confirm or impair or in anywise affect, or be construed to confirm or impair or in anywise affect, the Validity in Law of any Marriage solemnized beyond the Seas, otherwise than as herein provided; and this Act shall not extend to the Marriage of any of the Royal Family.

XXII. And

Act may be amended, &c.

XXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

## SCHEDULES.

### SCHEDULE (A.)

NOTICE OF MARRIAGE.

To the [British Consul General *or* Consul] at

I hereby give you Notice, That a Marriage is intended to be had within Three Calendar Months from the Date hereof between me and the other Party herein named and described; (that is to say,)

| Name and Surname. | Condition. | Rank or Profession. | Age. | Dwelling Place. | Length of Residence. |
|---|---|---|---|---|---|
| *John Brown* - | *Widower* - | - - | *Of full Age* - | — | — |
| *Elizabeth Reeve* | *Spinster* - | - - | *Minor* - | — | — |

Witness my Hand, this Day of

(Signed) *John Brown.*

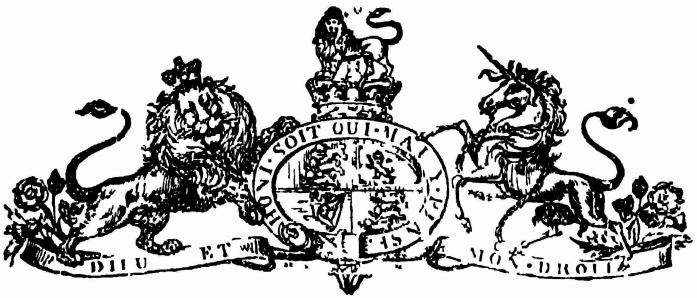
### SCHEDULE (B.)

I [Consul General *or* Consul] residing at do hereby certify, That this is a true Copy of the Entries of Marriages registered in my Office, from the Entry of the Marriage of *John Brown* and *Elizabeth Reeve*, Number *One*, to the Entry of the Marriage of *Michael Jones* and *Maria Tomkins*, Number *Fourteen*.

Witness my Hand and Seal, this Day of *January 1850.*

(*Signature and Consular Seal of the Consul General or Consul.*)

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.



ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. LXIX.

### An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in *Ireland* with respect to Persons charged with Indictable Offences. [28th *July* 1849.]

WHEREAS it would conduce much to the Improvement of the Administration of Criminal Justice in *Ireland* if the several Statutes and Parts of Statutes relating to the Duties of Her Majesty's Justices of the Peace therein with respect to Persons charged with indictable Offences were consolidated, with such Additions and Alterations as may be deemed necessary, and that such Duties should be clearly defined by positive Enactment: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases where a Charge or Complaint (A.) shall be made before any One or more of Her Majesty's Justices of the Peace for any County, Division, Liberty, City, Borough, or Place within *Ireland*, that any Person has committed or is suspected to have committed any Treason, Felony, or indictable Misdemeanor, or other indictable Offence whatsoever, within the Limits of the Jurisdiction of such Justice or Justices of the Peace, or

For what Offences a Justice of the Peace may grant a Warrant or Summons to cause a Person charged therewith to be brought before him

or that any Person guilty or suspected to be guilty of having committed any such Crime or Offence elsewhere out of the Jurisdiction of such Justice or Justices is residing or being or is suspected to reside or be within the Limits of the Jurisdiction of such Justice or Justices, then and in every such Case, if the Person so charged or complained against shall not then be in Custody, it shall be lawful for such Justice or Justices of the Peace to issue his or their Warrant (B.) to apprehend such Person, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same County, Division, Liberty, City, Borough, or Place, to answer to such Charge or Complaint, and to be further dealt with according to Law: Provided always, that in all Cases it shall be lawful for such Justice or Justices to whom such Charge or Complaint shall be preferred, if he or they shall so think fit, instead of issuing in the first instance his or their Warrant to apprehend the Person so charged or complained against, to issue his or their Summons (C.) directed to such Person, requiring him to appear before the said Justice or Justices at a Time and Place to be therein mentioned, or before such other Justice or Justices of the same County, Division, Liberty, City, Borough, or Place as may then be there, and if after being served with such Summons in manner herein-after mentioned he shall fail to appear at such Time and Place, in obedience to such Summons, then and in every such Case the said Justice or Justices, or any other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, may issue his or their Warrant (D.) to apprehend such Person so charged or complained against, and cause such Person to be brought before him or them, or before some other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, to answer to the said Charge or Complaint, and to be further dealt with according to Law: Provided nevertheless, that nothing herein contained shall prevent any Justice or Justices of the Peace from issuing the Warrant herein-before first mentioned at any Time before or after the Time mentioned in such Summons for the Appearance of the said accused Party.

In what Cases the Party may be summoned instead of issuing a Warrant in the first instance.

If the Summons be not obeyed, then a Warrant may be issued.

Warrant to apprehend for Offences committed on the High Seas or abroad.

II. And be it enacted, That in all Cases of indictable Crimes or Offences of any Kind or Nature whatsoever committed on the High Seas, or in any Creek, Harbour, Haven, or other Place in which the Admiralty of *England* or *Ireland* have or claim to have Jurisdiction, and in all Cases of Crimes or Offences committed on Land beyond the Seas, for which an Indictment may legally be preferred in any Place within *Ireland*, it shall be lawful for any One or more of Her Majesty's Justices of the Peace for any County, Division, Liberty, City, Borough, or Place within *Ireland* in which any Person charged with having committed or with being suspected to have committed any

any such Crime or Offence shall reside or be, or shall be supposed or suspected to reside or be, to issue his or their Warrant (E.) to apprehend the Person so charged, and to cause him to be brought before him or them, or some other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, to answer to the said Charges, and to be further dealt with according to Law.

Warrant to apprehend a Party against whom an Indictment is found.

III. And be it enacted, That where any Indictment shall be found by the Grand Jury in any Court of Oyer and Terminer or General Gaol Delivery, or in any Court of General or Quarter Sessions of the Peace, against any Person who shall then be at large, and whether such Person shall have been bound by any Recognizance to appear to answer to the same or not, the Person who shall act as Clerk of the Crown at such Court of Oyer and Terminer or Gaol Delivery, or as Clerk of the Peace at such Sessions, at which the said Indictment shall be found, shall at any Time afterwards, after the End of the Sessions of Oyer and Terminer or Gaol Delivery or Sessions of the Peace at which such Indictment shall have been found, upon Application of the Prosecutor, or of any Person on his Behalf, and on Payment of a Fee of Sixpence, if such Person shall not have already appeared and pleaded to such Indictment, grant unto such Prosecutor or Person a Certificate (F.) of such Indictment having been found; and upon Production of such Certificate to any Justice or Justices of the Peace for any County, Division, Liberty, City, Borough, or Place in which the Offence shall in such Indictment be alleged to have been committed, or in which the Person indicted in and by such Indictment shall reside or be, or be supposed or suspected to reside or be, it shall be lawful for such Justice or Justices, and he and they are hereby required, to issue his or their Warrant (G.) to apprehend such Person so indicted, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same County, Division, Liberty, City, Borough, or Place, to be dealt with according to Law, and afterwards, if such Person be thereupon apprehended and brought before any such Justice or Justices, such Justice or Justices, upon its being proved upon Oath or Affirmation before him or them that the Person so apprehended is the same Person who is charged and named in such Indictment, shall, without further Inquiry or Examination, commit (H.) him for Trial, or admit him to Bail, in manner herein-after mentioned; or if such Person so indicted shall be confined in any Gaol or Prison for any other Offence than that charged in the said Indictment, at the Time of such Application, and Production of the said Certificate to such Justice or Justices as aforesaid, it shall be lawful for such Justice or Justices and he and they are hereby required, upon it being

If Person indicted be already in Prison for some other Offence, Justice may order him to

be detained until removed by Writ of Habeas.

being proved before him or them upon Oath or Affirmation that the Person so indicted and the Person so confined in Prison are one and the same Person, to issue his or their Warrant (I.) directed to the Gaoler or Keeper of the Gaol or Prison in which the Person so indicted shall then be confined as aforesaid, commanding him to detain such Person in his Custody until by Her Majesty's Writ of Habeas Corpus he shall be removed therefrom, for the Purpose of being tried upon the said Indictment, or until he shall otherwise be removed or discharged out of his Custody by due Course of Law.

Power to Justice to issue Warrants on Sundays.

IV. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace to grant or issue and cause to be executed any Warrant as aforesaid or any Search Warrant on a *Sunday* as well as on any other Day.

Justices for adjoining Counties, &c. may act as such for one County, &c. while residing in another.

V. And be it enacted, That in Cases where a Justice of the Peace for any County, Division, Liberty, City, Borough, or Place shall be also Justice of the Peace for a County, Division, Liberty, City, Borough, or Place next adjoining thereto or surrounded thereby, it shall and may be lawful for such Justice of the Peace to act as such Justice for the one County, Division, Liberty, City, Borough, or other Place whilst he is residing or happens to be in the other such County, Division, Liberty, City, Borough, or other Place, in all Matters and Things herein-before or hereafter in this Act mentioned;

All Acts of Justice, &c. to be valid.

and that all such Acts of such Justice, and the Acts of any Constable or other Officer in obedience thereto, shall be as valid, good, and effectual in the Law to all Intents and Purposes as if such Justice at the Time he shall so act as aforesaid were in the County, Division, Liberty, City, Borough, or other Place for which he shall so act; and all Constables and other Officers for the County, Division, Liberty, City, Borough, or Place for which such Justice shall so act as aforesaid are hereby authorized and required to obey the Warrants, Orders, Directions, Act or Acts of such Justice which in that Behalf shall be granted, given, or done, and to do and perform their several Offices and Duties in respect thereof, under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty;

Constables, &c. apprehending Offenders in one such County, &c. may take them before such Justice in the adjoining County, &c., if he act as a

and any such Constable or other Peace Officer, or any other Person, apprehending or taking into Custody any Person offending against Law, and whom he lawfully may and ought to apprehend or take into Custody, by virtue of his Office or otherwise, in any such County, Division, Liberty, City, Borough, or Place, may lawfully take and convey such Person so apprehended and taken as aforesaid to and before any such Justice of the Peace for such County, Division, Liberty, City, Borough, or Place whilst such Justice shall be in such adjoining County, Division, Liberty, City, Borough, or Place as aforesaid,

said, and the said Constables and other Peace Officers, and all such other Persons as aforesaid, are hereby authorized and required in all such Cases so to act in all things as if the said Justice of the Peace were within the said County, Division, Liberty, City, Borough, or Place for which he shall so act.

Justice in both.

VI. And be it enacted, That it shall be lawful for any Justice or Justices of the Peace acting for any County at large, or for any Division of such County, to act as such at any Place within any City, Town, or other Precinct, being a County of itself, or otherwise having exclusive Jurisdiction, and situated within, surrounded by, or adjoining to any such County or Division respectively; and that all and every such Act and Acts, Matters and Things, to be so done by such Justice or Justices within such City, Town, or Precinct, as Justice or Justices for such County or Division respectively, shall be as valid and effectual in Law as if the same had been done within such County or Division respectively to all Intents and Purposes whatsoever: Provided always, that nothing in this Act contained shall extend to give Power to the Justices of the Peace for any County or Division, not being also Justices for such City, Town, or other Precinct, or not having Authority as Justices of the Peace therein, or any Constable or other Officer acting under them, to act or intermeddle in any Matters or Things arising within any such City, Town, or Precinct, in any Manner whatsoever.

Justices for a County, &c. may act for it in an adjoining City or Place of exclusive Jurisdiction.

Not to give Power to act, &c. in any Matters, &c. arising within the same.

VII. And be it enacted, That after the passing of this Act it shall be lawful for any Justice or Justices of the Peace acting for any County to act as a Justice or Justices of the Peace in all things, as well in Cases of summary Jurisdiction, or of Acts merely ministerial, as in all other Cases or Things whatsoever, concerning or in anywise relating to any detached Part of any other County which is surrounded in whole or in part by the County for which such Justice or Justices acts or act; and that all Acts of such Justice or Justices of the Peace, although done in the County for which such Justice or Justices acts or act, and all Acts of any Constable or other Officer in obedience thereto, shall be as good and effectual as if such Justice or Justices were a Justice or Justices for the County to which such detached Part belongs, and as if such Justice or Justices at the Time of so acting was or were in such last-mentioned County; and all Constables and other Officers of such detached Part are hereby required to obey the Warrants, Orders, and Acts of such Justice or Justices, and to perform their several Duties in respect thereof, under the Pains and Penalties to which any Constable or other Officer may be liable for a Neglect of Duty.

Justices may act in detached Parts of other Counties locally included in their County.

When Charge, &c. is made, if a Warrant is to be issued, Information, &c. on Oath to be laid before Justices.

If Summons to be issued instead, Information, &c. not necessary to be on Oath.

No Objection allowed for alleged Defect in Form.

VIII. And be it enacted, That in all Cases where a Charge or Complaint for any indictable Offence shall be made before such Justice or Justices as aforesaid, if it be intended to issue a Warrant in the first instance against the Party or Parties so charged, an Information and Complaint thereof (A.) in Writing, on the Oath or Affirmation of the Informant or of some Witness or Witnesses in that Behalf, shall be laid before such Justice or Justices: Provided always, that in all Cases where it is intended to issue a Summons instead of a Warrant in the first instance, it shall not be necessary that such Information and Complaint shall be in Writing, or be sworn to or affirmed in manner aforesaid, but in every such Case such Information and Complaint may be by Parol merely, and without any Oath or Affirmation whatsoever to support or substantiate the same: Provided also, that no Objection shall be taken or allowed to any such Information or Complaint for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examination of the Witnesses in that Behalf, as herein-after mentioned.

Upon Complaint being laid, Justices receiving the same may issue Summons or Warrant for Appearance of Person charged.

How Summons to be served.

If Party summoned do not attend, Justice

IX. And be it enacted, That upon such Information and Complaint being so laid as aforesaid the Justice or Justices receiving the same may, if he or they shall think fit, issue his or their Summons or Warrant respectively as herein-before is directed to cause the Person charged as aforesaid to be and appear before him or them, or any other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, to be dealt with according to Law; and every such Summons (C.) shall be directed to the Party so charged in and by such Information, and shall state shortly the Matter of such Information, and shall require the Party to whom it is so directed to be and appear at a certain Time and Place therein mentioned before the Justice who shall issue such Summons, or before such other Justice or Justices of the Peace of the same County, Division, Liberty, City, Borough, or Place as may then be there, to answer to the said Charge, and to be further dealt with according to Law; and every such Summons shall be served upon the Person to whom it is so directed by delivering the same to the Party personally, or if he cannot conveniently be met with then by leaving the same with some Person for him at his last or most usual Place of Abode; and the Person who shall have served the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose, if necessary, to the Service of such Summons; and if the Person so served shall not be and appear before the Justice or Justices at the Time and Place mentioned in such Summons, in obedience to the same, or at such

such other Time or Place, if any, to which the Hearing of such Case may be adjourned, then it shall be lawful for such Justice or Justices to issue his or their Warrant (D.) for apprehending the Party so summoned, and bringing him before such Justice or Justices, or some other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, to answer the Charge in the said Information and Complaint mentioned, and to be further dealt with according to Law: Provided always, that no Objection shall be taken or allowed to any such Summons or Warrant for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examinations of the Witnesses in that Behalf, as herein-after mentioned; but if any such Variance shall appear to such Justice or Justices to be such that the Party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the Request of the Party so charged, to adjourn the Hearing of the Case to some future Day, and in the meantime to remand the Party so charged, or admit him to Bail, in manner herein-after mentioned.

may issue a Warrant to compel Attendance.

No Objection allowed for alleged Defect in Form, &c.

X. And be it declared and enacted, That every Warrant (B.) hereafter to be issued by any Justice or Justices of the Peace to apprehend any Person charged with any indictable Offence shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed either to any Constable or other Person by Name, or generally to the Constables of the District within which the same is to be executed, or any of them, without naming them, or to such Constables and all other Constables or Peace Officers in the County or other District within which the Justice or Justices issuing such Warrant has or have Jurisdiction, or generally to all the Constables or Peace Officers within such last-mentioned County or District, and it shall state shortly the Offence on which it is founded, and shall name or otherwise describe the Offender, and it shall order the Person or Persons to whom it is directed to apprehend the Offender, and bring him before the Justice or Justices issuing the said Warrant, or before some other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, to answer to the Charge contained in the said Information, and to be further dealt with according to Law; and it shall not be necessary to make such Warrant returnable at any particular Time, but the same may remain in force until it shall be executed; and such Warrant may be executed by apprehending the Offender at any Place within the County, Division, Liberty, City, Borough, or Place within which the Justice or Justices issuing the same shall have Jurisdiction, or in case of fresh Pursuit at any Place in the next adjoining County or

Warrant to apprehend Parties to be under Hand and Seal of Justice.

How Warrant to be directed, and to whom.

How and where Warrant may be executed.

or Place, and within Seven Miles of the Border of such first-mentioned County, Division, Liberty, City, Borough, or Place, without having such Warrant backed as herein-after mentioned; and in all Cases where such Warrant shall be directed to all Constables or other Peace Officers within the County or other District within which the Justice or Justices issuing the same shall have Jurisdiction, it shall be lawful for any Constable or other Peace Officer for any Place within such County or District to execute the said Warrant within any Place situate within the Jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant, in like Manner as if such Warrant were directed specially to such Constable by Name, and notwithstanding the Place in which such Warrant shall be executed shall not be within the Place for which he shall be such Constable or other Peace Officer: Provided always, that no Objection shall be taken or allowed to any such Warrant for any Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Prosecution before the Justice or Justices who shall take the Examinations of the Witnesses in that Behalf, as herein-after mentioned; but if any such Variance shall appear to such Justice or Justices to be such that the Party charged has been thereby deceived or misled, it shall be lawful for such Justice or Justices, at the Request of the Party so charged, to adjourn the Hearing of the Case to some future Day, and in the meantime to remand the Party so charged, or to admit him to Bail, in manner herein-after mentioned.

No Objection allowed for alleged Defect in Form, &c.

Regulations as to the backing of Warrants.

XI. And be it enacted, That if the Person against whom any such Warrant shall be issued as aforesaid shall not be found within the Jurisdiction of the Justice or Justices by whom the same shall be issued, or if he shall escape, go into, reside, or be, or be supposed or suspected to be, in any Place in *Ireland* out of the Jurisdiction of the Justice issuing such Warrant, it shall and may be lawful for any Justice of the Peace for the County or Place into which such Person shall so escape or go, or in which he shall reside or be, or be supposed or suspected to be, upon Proof alone being made on Oath of the Handwriting of the Justice issuing such Warrant, to make an Indorsement (K.) on such Warrant, signed with his Name, authorizing the Execution of such Warrant within the Jurisdiction of the Justice making such Indorsement, and which Indorsement shall be sufficient Authority to the Person bringing such Warrant, and to all other Persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the same in such other County or Place, and to carry the Person against whom such Warrant shall have issued, when apprehended, before the Justice and Justices of the Peace who first issued

issued the said Warrant, or before some other Justice or Justices of the Peace in and for the same County, Division, City, Liberty, Borough, or Place, or before some Justice or Justices of the County, Division, Liberty, City, Borough, or Place where the Offence in the said Warrant mentioned appears therein to have been committed: Provided always, that if the Prosecutor, or any of the Witnesses upon the Part of the Prosecution, shall then be in the County or Place where such Person shall have been so apprehended, the Constable or other Person or Persons who shall have so apprehended such Person may, if so directed by the Justice backing such Warrant, take and convey him before the Justice who shall have so backed the said Warrant, or before some other Justice or Justices of the same County or Place; and the said Justice or Justices may thereupon take the Examinations of such Prosecutor or Witnesses, and proceed in every respect in manner herein-after directed with respect to Persons charged before a Justice or Justices of the Peace with an Offence alleged to have been committed in another County or Place than that in which such Persons have been apprehended.

Proviso.

XII. And be it enacted, That if any Person against whom a Warrant shall be issued in any County, Division, Liberty, City, Borough, or Place in *Ireland*, by any Justice of the Peace, or by any Judge of Her Majesty's Court of Queen's Bench, or Justice of Oyer and Terminer or Gaol Delivery, for any indictable Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County or Place in that Part of the United Kingdom called *England* or *Wales*, or if any Person against whom a Warrant shall be issued in any County or Place in *England* or *Wales*, by any Justice of the Peace, or by any Judge of Her Majesty's Court of Queen's Bench there, or any Justice of Oyer and Terminer or Gaol Delivery, for any Crime or Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County, Division, Liberty, City, Borough, or Place in that Part of the United Kingdom called *Ireland*, it shall and may be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, to indorse (K.) such Warrant in manner herein-before mentioned, or to the like Effect; and which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Constables or other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the said Warrant in the County or Place where the Justice so indorsing it shall have Jurisdiction, by appre-

Irish Warrants may be backed in England, and vice versâ, in the event of Parties escaping.

Warrants so indorsed to be valid.

apprehending the Person against whom such Warrant shall have been granted, and to convey him before the Justice or Justices who granted the same, or before some other Justice or Justices of the Peace in and for the same County or Place, and which said Justice or Justices before whom he shall be so brought shall thereupon proceed in such Manner as if the said Person had been apprehended in the said last-mentioned County or Place.

**Irish Warrants may be backed in the Isles of Man, Guernsey, Jersey, Alderney, or Sark, and vice versâ.**

XIII. And be it enacted, That if any Person against whom a Warrant shall be issued in any County, Division, Liberty, City, Borough, or Place in *Ireland*, by any Justice of the Peace, or by any Judge of Her Majesty's Court of Queen's Bench, or Justices of Oyer and Terminer or Gaol Delivery, for any indictable Offence, shall escape, go into, reside, or be, or be supposed or suspected to be, in any of the Isles of *Man*, *Guernsey*, *Jersey*, *Alderney*, or *Sark*, it shall be lawful for any Officer within the District into which such accused Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, who shall have Jurisdiction to issue any Warrant or Process in the Nature of a Warrant for the Apprehension of Offenders within such District, to indorse (K.) such Warrant in the Manner herein-before mentioned, or to the like Effect; or if any Person against whom any Warrant, or Process in the Nature of a Warrant, shall be issued in any of the Isles aforesaid, shall escape, go into, reside, or be, or be supposed or suspected to be, in any County, Division, Liberty, City, Borough, or Place in *Ireland*, it shall be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or be supposed or suspected to be, to indorse (K.) such Warrant or Process in manner herein-before mentioned; and every such Warrant or Process, so indorsed, shall be a sufficient Authority to the Person or Persons bringing the same, and to all Persons to whom the same respectively was originally directed, and also to all Constables and Peace Officers in the County, District, or Jurisdiction within which such Warrant or Process shall be so indorsed, to execute the same within the County, District, or Place where the Justice or Officer indorsing the same has Jurisdiction, and to convey such Offender, when apprehended, into the County or District wherein the Justice or Person who issued such Warrant or Process shall have Jurisdiction, and carry him before such Justice or Person, or before some other Justice or Person within the same County or District who shall have Jurisdiction to commit such Offender to Prison for Trial, and such Justice or Person may thereupon proceed in such and the same Manner as if the said Offender had been apprehended within his Jurisdiction.

**Warrants so indorsed to be valid.**

XIV. And

XIV. And be it declared and enacted, That if any Person against whom a Warrant shall be issued by any Justice of the Peace for any County or Place within *Ireland*, or by any Judge of Her Majesty's Court of Queen's Bench or Justice of Oyer and Terminer or Gaol Delivery in *Ireland*, for any Crime or Offence against the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland*, shall escape, go into, reside, or be, or be supposed or suspected to be, in any Place in that Part of the said United Kingdom called *Scotland*, it shall be lawful for the Sheriff or Steward Depute or Substitute, or any Justice of the Peace of the County or Place where such Person or Persons shall go into, reside, or be, or be supposed or suspected to be, to indorse (K.) the said Warrant in manner herein-before mentioned, or to the like Effect; which Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing such Warrant, and to all Persons to whom such Warrant was originally directed, and also to all Sheriffs Officers, Stewards Officers, Constables, and other Peace Officers of the County or Place where such Warrant shall be so indorsed, to execute the same within the County or Place where it shall have been so indorsed, by apprehending the Person against whom such Warrant shall have been granted, and to convey him into the County or Place in *Ireland* where the Justice or Justices who first issued the said Warrant shall have Jurisdiction in that Behalf, and to carry him before such Justice or Justices, or before any other Justice or Justices of the Peace of and for the same County or Place, to be there dealt with according to Law, and which said Justice or Justices are hereby authorized and required thereupon to proceed in such and the same Manner as if the said Offender had been apprehended within his or their Jurisdiction.

Irish Warrants may be backed in Scotland.

Warrants so indorsed to be valid.

XV. And be it enacted, That if any Person against whom a Warrant shall be issued by the Lord Justice General, Lord Justice Clerk, or any of the Lords Commissioners of Justiciary, or by any Sheriff or Steward Depute or Substitute, or Justice of the Peace, of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Scotland*, for any Crime or Offence against the Laws of that Part of the United Kingdom, shall escape, go into, reside, or be, or shall be supposed or suspected to be, in any County or Place in *Ireland*, it shall be lawful for any Justice of the Peace in and for the County or Place into which such Person shall escape or go, or where he shall reside or be, or shall be supposed or suspected to be, to indorse (K.) the said Warrant in manner herein-before mentioned; and which said Warrant so indorsed shall be a sufficient Authority to the Person or Persons bringing the same, and to all Persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the County or Place where the

Scotch Warrants may be backed in Ireland.

Warrants so indorsed to be valid.

the Justice so indorsing such Warrant shall have Jurisdiction, to execute the said Warrant in the County or Place where it is so indorsed, by apprehending the Person against whom such Warrant shall have been granted, and to convey him into the County or Place in *Scotland* next or near to that Part of the United Kingdom called *Ireland*, and carry him before the Sheriff or Steward Depute or Substitute, or One of the Justices of the Peace, of such County or Place, and which said Sheriff, Steward Depute or Substitute, or Justice of the Peace, is hereby authorized and required thereupon to proceed in such and the same Manner, according to the Rules and Practice of the Law of *Scotland*, as if the said Offender had been apprehended within such County or Place in *Scotland* last aforesaid.

**Power to Justices to summon Witnesses to attend and give Evidence.**

XVI. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the Oath or Affirmation of any credible Person, that any Person within the Jurisdiction of such Justice is likely to give material Evidence for the Prosecution, and will not voluntarily appear for the Purpose of being examined as a Witness at the Time and Place appointed for the Examination of the Witnesses against the Accused, such Justice may and is hereby required to issue his Summons (L. 1.) to such Person, under his Hand and Seal, requiring him to be and appear at a Time and Place mentioned in such Summons before the said Justice, or before such other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place as shall then be there, to testify what he shall know concerning the Charge made against such accused Party, and also (if such Justice shall think fit) to bring with him and produce for Examination such Paper or Papers or Documents as shall be in his Possession or Power, and as shall by such Justice be deemed necessary, and be therein set forth; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by the said Summons, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof upon Oath or Affirmation of such Summons having been served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode,) it shall be lawful for the Justice or Justices before whom such Person should have appeared to issue a Warrant (L. 2.) under his or their Hands and Seals to bring and have such Person at a Time and Place to be therein mentioned before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place as shall then be there, to testify as aforesaid, and (as the Case may be) to produce such Papers and Documents as aforesaid, and which said Warrant may, if necessary, be backed as herein-before is mentioned, in order to its being executed out of the Jurisdiction

**If Summons not obeyed, Warrant may be issued to compel Attendance.**

Jurisdiction of the Justice who shall have issued the same; or if such Justice or Justices shall be satisfied by Evidence upon Oath or Affirmation that it is probable that such Person will not attend to give Evidence without being compelled so to do, then, instead of issuing such Summons, it shall be lawful for him or them to issue his or their Warrant (L. 3.) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the Appearance of such Person so summoned before the said last-mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said Warrant, such Person shall refuse to be examined upon Oath or Affirmation concerning the Premises, or shall refuse to take such Oath or Affirmation, or, having taken such Oath or Affirmation, shall refuse to answer such Questions concerning the Premises as shall then be put to him, or (as the Case may be) shall refuse to produce for Examination any such Paper or Document as aforesaid which shall be in his Possession or Power, without offering any just Excuse for such Refusal, any Justice or Justices of the Peace then present, and having there Jurisdiction, may by Warrant (L. 4.) under his Hand and Seal commit the Person so refusing to the Common Gaol, House of Correction, or Bridewell for the County, Riding, Division, Liberty, City, Borough, or Place where such Person so refusing shall then be, there to remain and be imprisoned for any Time not exceeding Seven Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises, or (as the Case may be) to produce the said Papers or Documents as aforesaid.

In certain Cases Warrant may be issued in the first instance.

Persons appearing on Summons, &c. refusing to be examined may be committed.

XVII. And be it enacted, That in all Cases where any Person shall appear or be brought before any Justice or Justices of the Peace charged with any indictable Offence, whether committed in *Ireland* or upon the High Seas, or on Land beyond the Sea, or whether such Person appear voluntarily upon Summons or have been apprehended, with or without Warrant, or be in Custody for the same or any other Offence, such Justice or Justices, before he or they shall commit such accused Person to Prison for Trial, or before he or they shall admit him to Bail, shall, in the Presence of such accused Person, who shall be at liberty to put Questions to any Witness produced against him, take the Statement (M.) on Oath or Affirmation of those who shall know the Facts and Circumstances of the Case, and shall put the same into Writing, and such Depositions shall be read over to and signed respectively by the Witnesses who shall have been so examined, and shall be signed also by the Justice or Justices taking the same; and the Justice or Justices before whom any such Witness shall appear to be examined as aforesaid shall, before such Witness is examined, administer to such Witness the usual Oath or Affirmation, which such Justice or

As to the Examination of Witnesses.

Justice to administer Oath or Affirmation.

Depositions of Persons who have died, or who are absent, may, in certain Cases, be read in Evidence.

Justices shall have full Power and Authority to do; and if upon the Trial of the Person so accused as first aforesaid it shall be proved, by the Oath or Affirmation of any credible Witness, that any Person whose Deposition shall have been taken as aforesaid is dead, and if also it be proved that such Deposition was taken in the Presence or Hearing of the Person so accused, and that he or his Counsel or Attorney had a full Opportunity of cross-examining the Witness, then, if such Deposition purport to be signed by the Justice or Justices by or before whom the same purports to have been taken, it shall be lawful to read such Deposition as Evidence in such Prosecution, without further Proof thereof, unless it shall be proved that such Deposition was not in fact signed by the Justice or Justices purporting to sign the same.

After Examination of the Accused, Justice to read Depositions taken against him, and caution him as to any Statement he may make;

XVIII. And be it enacted, That after the Examinations of all the Witnesses on the Part of the Prosecution as aforesaid shall have been completed, the Justice of the Peace or One of the Justices by or before whom such Examination shall have been so completed as aforesaid shall, without requiring the Attendance of the Witnesses, read or cause to be read to the Accused the Depositions taken against him, and shall say to him these Words, or Words to the like Effect: "Having heard the Evidence, do you wish to say anything in answer to the Charge? you are not obliged to say anything unless you desire to do so, but whatever you say will be taken down in Writing, and may be given in Evidence against you upon your Trial;" and whatever the Prisoner shall then say in answer thereto shall be taken down in Writing (N.), and read over to him, and shall be signed by the said Justice or Justices, and kept with the Depositions of the Witnesses, and shall be transmitted with them as herein-after mentioned, and afterwards upon the Trial of the said accused Person the same may, if necessary, be given in Evidence against him, without further Proof thereof, if the same purport to be signed by the Justice or Justices by or before whom the same purports to have been taken, unless it shall be proved that the Justice or Justices purporting to sign the same did not in fact sign the same: Provided always, that the said Justice or Justices before such accused Person shall make any Statement shall state to him, and give him clearly to understand, that he has nothing to hope from any Promise of Favour and nothing to fear from any Threat which may have been holden out to him to induce him to make any Admission or Confession of his Guilt, but that whatever he shall then say may be given in Evidence against him upon his Trial, notwithstanding such Promise or Threat: Provided nevertheless, that nothing herein enacted or contained shall prevent the Prosecutor in any Case from giving in Evidence any Admission or Confession or other Statement of the Person accused or

and inform him that he has nothing to hope or fear from either Promise or Threat.

or charged, made at any Time, which by Law would be admissible as Evidence against such Person.

XIX. And be it declared and enacted, That the Room or Building in which such Justice or Justices shall take such Examinations and Statement as aforesaid shall not be deemed an open Court for that Purpose; and it shall be lawful for such Justice or Justices, in his or their Discretion, to order that no Person (the Counsel or Attorney of any Person then being in such Court as a Prisoner only excepted) shall have Access to or be or remain in such Room or Building without the Consent or Permission of such Justice or Justices, if it appear to him or them that the Ends of Justice will be best answered by so doing.

Place where Examination taken not to be deemed an open Court, and Justices may order that no Person remain without Consent.

XX. And be it enacted, That it shall be lawful for the Justice or Justices before whom any such Witness shall be examined as aforesaid to bind by Recognizance (O. 1.) the Prosecutor and every such Witness to appear at the next Court of Oyer and Terminer or Gaol Delivery, or Court of General or Quarter Sessions of the Peace, at which the Accused is to be tried, then and there to prosecute, or to prosecute and give Evidence, or to give Evidence, as the Case may be, against the Party accused, which said Recognizance shall particularly specify the Profession, Art, Mystery, or Trade of every such Person entering into or acknowledging the same, together with his Christian and Surname, and the Parish, Township, or Place of his Residence, and if his Residence be in a City, Town, or Borough, the Recognizance shall also particularly specify the Name of the Street, and the Number (if any) of the House in which he resides, and whether he is Owner or Tenant thereof or a Lodger therein; and the said Recognizance, being duly acknowledged by the Person so entering into the same, shall be subscribed by the Justice or Justices before whom the same shall be acknowledged, and a Notice (O. 2.) thereof, signed by the said Justice or Justices, shall at the same Time be given to the Person bound thereby; and every Information, Examination, and Recognizance sworn, taken, or acknowledged by or before any Justice or Justices not sitting in Petty Sessions shall, with all convenient Despatch, and at the latest before the Petty Sessions then next ensuing for the District where the Case may have arisen, be transmitted to the Clerk of the Petty Sessions of such District, and shall be by him laid before the Bench of Justices at the next Petty Sessions after he shall have received such Informations, Examinations, and Recognizances; and every Information, Examination, and Recognizance sworn, taken, or acknowledged at any Petty Sessions in *Ireland* shall be transmitted by the Magistrates at such Sessions or the Clerk of such Petty Sessions to the Clerk of the Crown of the County, County of a City, or

Power to Justice to bind over the Prosecutors and Witnesses by Recognizance.

Informations, &c. taken before Justices not in Petty Sessions to be transmitted to Petty Sessions Clerk; and Informations, &c. taken at Petty Sessions to be transmitted at least once in Fourteen

Days to Clerk of Crown, &c.

or County of a Town in which such Sessions are holden, if the same shall relate to any Matter to be tried or inquired into at the Assizes, and if to any Matter to be tried or inquired into at the Quarter Sessions, then to the Clerk of the Peace of such County, City, or Town, with all convenient Despatch, or at the latest all such Informations, Examinations, and Recognizances shall be so transmitted once at least in every Fourteen Days from every such Court of Petty Sessions, together with all such Informations, Examinations, and Recognizances taken by or before a Justice or Justices not sitting in Petty Sessions as may be then in the Hands of every such Petty Sessions Clerk: Provided always, that if any such Witness shall refuse to enter into or acknowledge such Recognizance as aforesaid it shall be lawful for such Justice or Justices of the Peace, by his or their Warrant (P. 1.), to commit him to the Common Gaol or House of Correction for the County, Division, Liberty, City, Borough, or Place in which the accused Party is to be tried, there to be imprisoned and safely kept until after the Trial of such accused Party, unless in the meantime such Witness shall duly enter into such Recognizance as aforesaid before some One Justice of the Peace for the County, Division, Liberty, City, Borough, or Place in which such Gaol or House of Correction shall be situate: Provided nevertheless, that if afterwards, from Want of sufficient Evidence in that Behalf or other Cause, the Justice or Justices before whom such accused Party shall have been brought shall not commit him or hold him to Bail for the Offence with which he is charged, it shall be lawful for such Justice or Justices, or any other Justice or Justices of the same County, Division, Liberty, City, Borough, or Place, by his or their Order (P. 2.) in that Behalf, to order and direct the Keeper of such Common Gaol or House of Correction where such Witness shall be so in Custody to discharge him from the same, and such Keeper shall thereupon forthwith discharge him accordingly.

Witnesses refusing to enter into Recognizances may be committed.

Power to Justice to remand the Accused from Time to Time, not exceeding Eight Days, by Warrant.

XXI. And be it enacted, That if, from the Absence of Witnesses, or from any other reasonable Cause, it shall become necessary or advisable to defer the Examination or further Examination of the Witnesses for any Time, it shall be lawful to and for the Justice or Justices before whom the Accused shall appear or be brought, by his or their Warrant (Q. 1.), from Time to Time to remand the Party accused for such Time as by such Justice or Justices in their Discretion shall be deemed reasonable, not exceeding Eight clear Days, to the Common Gaol or House of Correction, or other Prison, Lock-up House, or Place of Security in the County, Division, Liberty, City, Borough, or Place for which such Justice or Justices shall then be acting; or if the Remand be for a Time not exceeding Three clear Days it shall be lawful for such Justice or Justices verbally to order the

If Remand be for Three Days only,

the Constable or other Person in whose Custody such Party accused may then be, or any other Constable or Person to be named by the said Justice or Justices in that Behalf, to continue or keep such Party accused in his Custody, and to bring him before the same or such other Justice or Justices as shall be there acting at the Time appointed for continuing such Examination: Provided always, that any such Justice or Justices may order such accused Party to be brought before him or them, or before any other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, at any Time before the Expiration of the Time for which such accused Party shall be so remanded, and the Gaoler or Officer in whose Custody he shall then be shall duly obey such Order: Provided also, that, instead of detaining the accused Party in Custody during the Period for which he shall be so remanded, the Justice or Justices of the Peace before whom such accused Party shall so appear or be brought as aforesaid may discharge him, upon his entering into a Recognizance (Q. 2. 3.), with or without a Surety or Sureties, at the Discretion of such Justice, conditioned for his Appearance at the Time and Place appointed for the Continuance of such Examination; and if such accused Party shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice, or any other Justice of the Peace who may then and there be present, upon certifying (Q. 4.) on the Back of the Recognizance the Nonappearance of such accused Party, may transmit such Recognizance to the Clerk of the Peace of the County, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said accused Party.

by verbal Order.

Party accused may be admitted to Bail, on the Examination being adjourned.

If Party does not appear upon Recognizance, Justice may transmit the same to the Clerk of the Peace.

XXII. And whereas it often happens that a Person is charged before a Justice of the Peace with an Offence alleged to have been committed in another County or Place than that in which such Person has been apprehended or in which such Justice has Jurisdiction, and it is necessary to make Provision as to the Manner of taking the Examinations of the Witnesses, and of committing the Party accused, or admitting him to Bail, in such a Case: Be it therefore enacted, That whenever a Person shall appear or shall be brought before a Justice or Justices of the Peace in the County, Division, Liberty, City, Borough, or Place wherein such Justice or Justices shall have Jurisdiction, charged with an Offence alleged to have been committed by him in any County or Place within *Ireland* wherein such Justice or Justices shall not have Jurisdiction, it shall be lawful for such Justice or Justices and he and they are hereby required to examine such Witnesses, and receive such Evidence in Proof of such Charge as shall be produced

If a Person be apprehended in one County on Charge of an Offence committed in another, he may be examined in the former;

and if Evidence be deemed sufficient may be committed to Prison.

produced before him or them, within his or their Jurisdiction; and if in his or their Opinion such Testimony and Evidence shall be sufficient Proof of the Charge made against such accused Party, such Justice or Justices shall thereupon commit him to the Common Gaol or House of Correction for the County, Division, Liberty, City, Borough, or Place where the Offence is alleged to have been committed, or shall admit him to Bail, as herein-after mentioned, and shall bind over the Prosecutor (if he have appeared before him or them) and the Witnesses by Recognizance accordingly, as is herein-before mentioned; but if such Testimony and Evidence shall not in the Opinion of such Justice or Justices be sufficient to put the accused Party upon his Trial for the Offence with which he is so charged, then such Justice or Justices shall bind over such Witnesses as he shall have examined, by Recognizance, to give Evidence, as herein-before is mentioned, and such Justice or Justices shall, by Warrant (R. 1.) under his or their Hand and Seal or Hands and Seals, order such accused Party to be taken before some Justice or Justices of the Peace in and for the County, Division, Liberty, City, Borough, or Place where and near unto the Place where the Offence is alleged to have been committed, and shall at the same Time deliver the Information and Complaint, and also the Depositions and Recognizances so taken by him or them, to the Constable who shall have the Execution of such last-mentioned Warrant, to be by him delivered to the Justice or Justices before whom he shall take the Accused in obedience to the said Warrant, and which said Depositions and Recognizances shall be deemed to be taken in the Case, and shall be treated to all Intents and Purposes as if they had been taken by or before the said last-mentioned Justice or Justices, and shall, together with such Depositions and Recognizances as such last-mentioned Justice or Justices shall take in the Matter of such Charge against the said accused Party, be transmitted to the Clerk of the Court where the said accused Party is to be tried, in the Manner and at the Time herein-before mentioned, if such accused Party shall be committed for Trial upon the said Charge, or shall be admitted to Bail; and in case such accused Party shall be taken before the Justice or Justices last aforesaid by virtue of the said last-mentioned Warrant, the Constable or other Person or Persons to whom the said Warrant shall have been directed, and who shall have conveyed such accused Party before such last-mentioned Justice or Justices, shall be entitled to be paid his Costs and Expenses of conveying the said accused Party before the said Justice or Justices; and upon the said Constable or other Person producing the said accused Party before such Justice or Justices, and delivering him into the Custody of such Person as the said Justice or Justices shall direct or name in that Behalf, and upon the said Constable delivering to the said Justice or Justices the Warrant, Information (if any), Depositions, and

If insufficient, to be brought before some Justice in the latter County.

As to Payment of Expenses of conveying the Accused into the proper County, &c.

and Recognizances aforesaid, and proving by Oath the Handwriting of the Justice or Justices who shall have subscribed the same, such Justice or Justices to whom the said accused Party is so produced shall thereupon forthwith give to such Constable or other Person a Certificate that he is entitled to be paid his Costs and Expenses for conveying such accused Party and taking him before such Justice or Justices, as also his reasonable Costs and Expenses of returning; and upon the Production of such Certificate such Costs and Expenses shall be defrayed and paid to such Constable or Person by the Paymaster of the Constabulary Force of such County, County of a City, or County of a Town in which such Prisoner or Person shall have committed or be charged with having committed the Offence alleged against him or her, out of any Funds in his Hands applicable to the Maintenance of the Constabulary Force, and the same shall be allowed him in his Account, and shall be dealt with and included in the Certificate of the Inspector General of the Constabulary Force, and shall be raised by Grand Jury Presentment, and paid over in like Manner and subject to like Provisions as is provided relating to the Expenses incurred by the Constabulary Force in conveying Prisoners under an Act of the Second and Third Years of Her present Majesty's Reign, intituled *An Act for the better Regulation of the Constabulary Force in* Ireland: Provided always, that if such last-mentioned Justice or Justices shall not think the Evidence against such accused Party sufficient to put him upon his Trial, and shall discharge him without holding him to Bail, every such Recognizance so taken by the said first-mentioned Justice or Justices as aforesaid shall be null and void.

2 & 3 Vict. c. 75. s. 30.

XXIII. And be it enacted, That where any Person shall appear or be brought before a Justice or Justices of the Peace, charged with any Felony, save and except any Felony under an Act of the Eleventh Year of Her present Majesty's Reign, intituled *An Act for the better Security of the Crown and Government of the United Kingdom*, or with any Assault with Intent to commit any Felony, or with any Attempt to commit any Felony, or with any Offence against an Act of the First and Second Years of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act passed in the Parliament of* Ireland *in the Fifteenth and Sixteenth Years of the Reign of His Majesty King* George *the Third, intituled 'An 'Act to prevent and punish tumultuous Risings of Persons within 'this Kingdom, and for other Purposes therein mentioned,'* or with obtaining or attempting to obtain Property by false Pretences, or with a Misdemeanor in receiving Property stolen or obtained by false Pretences, or with Perjury or Subornation of Perjury, or with concealing the Birth of a Child by secret burying or otherwise, or with wilful or indecent

Power to Justice to admit to Bail Persons charged with Felony and certain Misdemeanors.

11 & 12 Vict. c. 12.

1 & 2 W. 4. c. 44.

indecent Exposure of the Person, or with Riot, or with Assault in pursuance of a Conspiracy to raise Wages, or Assault upon a Peace Officer in the Execution of his Duty, or upon any Person acting in his Aid, or with Neglect or Breach of Duty as a Peace Officer, or with any Misdemeanor for the Prosecution of which the Costs may be allowed out of the County Rate or Funds, such Justice or Justices of the Peace may, if in his or their Discretion (having regard to the Nature of the Charge and the Cogency of the Evidence adduced in support of it) it appears to him or them to be a Case in which Bail ought to be taken, admit such Person to Bail, upon his procuring and producing a sufficient Surety or Sureties for the Appearance of such accused Person at the Time and Place when and where he is to be tried for such Offence; and thereupon such Justice or Justices shall take the Recognizance (S. 1. 2.) of the said accused Person and his Surety or Sureties, conditioned for the Appearance of such accused Person at the Time and Place of Trial, and that he will then surrender and take his Trial, and not depart the Court without Leave; and in all Cases where a Person charged with any indictable Offence shall be committed to Prison to take his Trial for the same, it shall be lawful, at any Time afterwards, and before the First Day of the Sitting or Session of the Court before which he shall have been committed to be tried, for the Justice or Justices of the Peace who shall have signed the Warrant for his Commitment, in his or their Discretion, to admit such accused Person to Bail in manner aforesaid; or if such committing Justice or Justices shall be of opinion that for any of the Offences herein-before mentioned the said accused Person ought to be admitted to Bail, he or they shall in such Cases, and in all other Cases of Misdemeanors, certify (S. 3.) on the Back of the Warrant of Commitment his or their Consent to such accused Party being bailed, stating also the Amount of Bail which ought to be required, it shall be lawful for any Justice of the Peace, attending or being at the Gaol or Prison where such accused Party shall be in Custody, on Production of such Certificate, at any Time before the First Day of the Sitting or Session of the Court before which he shall have been committed to be tried, to admit such accused Person to Bail in manner aforesaid; or if it shall be inconvenient for the Surety or Sureties in such a Case to attend at such Gaol or Prison to join with such accused Person in the Recognizance of Bail, then such committing Justice or Justices may make a Duplicate of such Certificate (S. 4.) as aforesaid, and upon the same being produced to any Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, it shall be lawful for such last-mentioned Justice before such Time as aforesaid to take the Recognizance of the Surety or Sureties in conformity with such Certificate, and upon such Recognizance being transmitted

Justices may admit to Bail in the like Cases after Commitment for Trial.

transmitted to the Keeper of such Gaol or Prison, and produced, together with the Certificate on the Warrant of Commitment as aforesaid, to any Justice of the Peace attending or being at such Gaol or Prison, it shall be lawful for such last-mentioned Justice thereupon before such Time as aforesaid to take the Recognizance of such accused Party, and to order him to be discharged out of Custody as to that Commitment, as herein-after mentioned; and where any Person shall be charged before any Justice or Justices of the Peace with any indictable Misdemeanor other than those herein-before mentioned, such Justice or Justices, after taking the Examinations in Writing as aforesaid, instead of committing him to Prison for such Offence, shall admit him to Bail in manner aforesaid, or if he have been committed to Prison, and shall apply to any One of the Visiting Justices of such Prison, or to any other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, before the First Day of the Sitting or Session of the Court before which he shall have been committed to be tried, to be admitted to Bail, such Justice or Justices shall accordingly admit him to Bail in manner aforesaid; and in all Cases where such accused Person in Custody shall be admitted to Bail by a Justice or Justices of the Peace other than the committing Justice or Justices as aforesaid, such Justice or Justices of the Peace so admitting him to Bail shall forthwith transmit the Recognizance or Recognizances of Bail to the committing Justice or Justices, or One of them, to be by him or them transmitted, with the Examinations, to the proper Officer: Provided nevertheless, that no Justice or Justices of the Peace shall admit any Person to Bail for Treason, or for any Felony under the said Act of the Eleventh Year of Her present Majesty's Reign, intituled *An Act for the better Security of the Crown and Government of the United Kingdom*, nor shall any such Person be admitted to Bail, except by Order of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, or his or their Chief Secretary, or by Her Majesty's Court of Queen's Bench at *Dublin*, or a Judge thereof in Vacation: Provided also, that when, in Cases of Misdemeanor, the Defendant shall be entitled to a Traverse at the next Assizes, Court of Oyer and Terminer, or Quarter Sessions, and shall not be bound to take his Trial until the Second Assizes, or Court of Oyer and Terminer, or Sessions, in every such Case the Recognizance (S. 1.) of Bail shall be conditioned that he shall appear and plead at the next Assizes, Court of Oyer and Terminer, or Sessions, and then traverse the Indictment, and that he shall surrender and take his Trial at such Second Assizes, Court of Oyer and Terminer, or Sessions, unless such accused Party shall, before he enter into such Recognizance, choose and consent to take his Trial at such First Assizes, Court of Oyer and Terminer, or Sessions, in

Justice shall admit to Bail Persons charged with other Misdemeanors.

Certain Recognizances to be transmitted to committing Justices.

No Bail in Cases of Treason, or of Felony under 11 & 12 Vict. c. 12., but by Order of Lord Lieutenant or Chief Secretary.

Where Defendant entitled to traverse.

in which Case the Recognizance may be in the ordinary Form herein-before mentioned.

When Justice admits a Person to Bail after Commitment a Warrant of Deliverance shall be sent to him if not detained for any other Offence or under Civil Process.

XXIV. And be it enacted, That in all Cases where a Justice or Justices of the Peace shall admit to Bail any Person who shall then be in any Prison charged with the Offence for which he shall be so admitted to Bail, such Justice or Justices shall send to or cause to be lodged with the Keeper of such Prison a Warrant of Deliverance (S. 5.) under his or their Hand and Seal or Hands and Seals, requiring the said Keeper to discharge the Person so admitted to Bail, if he be detained for no other Offence or under no Civil Process, and upon such Warrant of Deliverance being delivered to or lodged with such Keeper he shall forthwith obey the same.

If, after hearing Evidence against the Accused, it is not thought sufficient to warrant Commitment, he shall be discharged; but if Evidence considered sufficient, Justice shall, by Warrant, commit the Accused for Trial.

XXV. And be it enacted, That when all the Evidence offered upon the Part of the Prosecution against the accused Party shall have been heard, if the Justice or Justices of the Peace then present shall be of opinion that it is not sufficient to put such accused Party upon his Trial for any indictable Offence, such Justice or Justices shall forthwith order such accused Party, if in Custody, to be discharged as to the Information then under Inquiry; but if, in the Opinion of such Justice or Justices, such Evidence is sufficient to put the accused Party upon his Trial for an indictable Offence, or if the Evidence given raise a strong or probable Presumption of the Guilt of such accused Party, then such Justice or Justices shall, by his or their Warrant (T. 1.), commit him to the Common Gaol or House of Correction for the County, Division, Liberty, City, Borough, or Place to which by Law he may now be committed, or, in the Case of an indictable Offence committed on the High Seas, or on Land beyond the Sea, to the Common Gaol of the County, Division, Liberty, City, Borough, or Place within which such Justice or Justices shall have Jurisdiction, to be there safely kept until he shall be thence delivered by due Course of Law, or admit him to Bail as herein-before mentioned.

Regulations for conveying Prisoners to Gaol.

XXVI. And be it enacted, That the Constable or any of the Constables or other Persons to whom the said Warrant of Commitment shall be directed shall convey such accused Person therein named or described to the Gaol or other Prison mentioned in such Warrant, and there deliver him, together with such Warrant, to the Gaoler, Keeper, or Governor of such Gaol or Prison, who shall thereupon give such Constable or other Person so delivering such Prisoner into his Custody a Receipt (T. 2.) for such Prisoner, setting forth the State and Condition in which such Prisoner was when he was delivered into the Custody of such Gaoler, Keeper, or Governor; and

and in all Cases where such Constable or other Person shall be entitled to his Costs or Expenses for conveying such Person to such Prison as aforesaid it shall be lawful for the Justice or Justices who shall have committed the accused Party, or for any Justice of the Peace in and for the said County, Division, or other Place of exclusive Jurisdiction wherein the Offence is alleged in the said Warrant to have been committed, to give to such Constable or other Person conveying such Prisoner to such Gaol or Prison a written Certificate that he is entitled to his Costs and Expenses for the same, and also for his Expenses in returning, and such Costs and Expenses shall be defrayed and provided and accounted for by the Paymaster of the Constabulary Force of the County wherein the Offence is alleged to have been committed, and shall be repaid, raised, and levied off such County by Presentment of the Grand Jury, in like Manner, and under the like Regulations, and subject to the like Provisions, as contained, relating to the Expenses of conveying Prisoners, in an Act of the Second and Third Years of Her present Majesty's Reign, intituled *An Act for the better Regulation of the Constabulary Force in* Ireland: Provided nevertheless, that if it shall appear to the Justice or Justices by whom any such Warrant of Commitment against such Prisoner shall be granted as aforesaid that such Prisoner hath Money sufficient to pay the Expenses, or some Part thereof, of conveying him to such Gaol or Prison, it shall be lawful for such Justice or Justices, in his or their Discretion, to order such Money, or a sufficient Part thereof, to be applied to such Purpose.

As to Payment of Costs of conveying Prisoners to Prison.

2 & 3 Vict. c. 75.

XXVII. And be it enacted, That at any Time after all the Examinations aforesaid shall have been completed, and before or on the First Day of the Assizes or Sessions or other First Sitting of the Court at which any Person so committed to Prison or admitted to Bail as aforesaid is to be tried, such Person may require and shall be entitled to have, of and from the Officer or Person having the Custody of the same, Copies of the Depositions on which he shall have been committed or bailed, or Copies of Depositions taken at an Inquest in Cases of Murder and Manslaughter, on Payment of a reasonable Sum for the same, not exceeding at the Rate of Three Halfpence for each Folio of Ninety Words.

After Examinations are completed, Defendant entitled to Copies of the Depositions.

XXVIII. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the same or the like Effect, shall be deemed good, valid, and sufficient in Law.

Forms in Schedule deemed valid.

XXIX. And be it enacted, That nothing in this Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions,

Nothing to affect Powers, &c.

contained in 48 G. 3. c. 140., 6 & 7 W. 4. c. 29., 2 & 3 Vict. c. 78., and 5 & 6 Vict. c. 24.;

Provisions, or Enactments contained in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies within the District of* Dublin *Metropolis*, or any Act or Acts amending the same, or an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for improving the Police in the District of* Dublin *Metropolis*, or an Act of the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to make further Provisions relating to the Police in the District of* Dublin *Metropolis*, or an Act passed in the Fifth Year of the Reign of Her present Majesty, intituled *An Act for improving the* Dublin *Police*, or any Act or Acts amending the same.

or to alter or affect Provisions of 7 & 8 G. 4. c. 67. or 6 & 7 W. 4. c. 34., or other Acts annexing Part of County to other County.

XXX. And be it enacted, That nothing in this Act contained shall be deemed or construed to alter or affect the Provisions of an Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, or an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, amending the same, or the Provisions of any Act or Acts whereby any Part of any County is annexed for the Purpose of Criminal Proceedings to any other County, or whereby any Offences committed in any County are authorized to be tried in any other County.

Act to extend to Ireland only, except as to backing of Warrants.

XXXI. And be it enacted, That this Act shall be deemed and taken to extend to *Ireland* only, save and except the several Provisions respectively herein-before contained respecting the backing of Warrants, and also nothing in this Act shall be deemed to alter or affect the Jurisdiction or Practice of Her Majesty's Court of Queen's Bench in *Ireland*.

Commencement of Act.

XXXII. And be it enacted, That this Act shall commence and take effect on the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-nine.

Interpretation of Act.

XXXIII. And be it enacted, That in the Interpretation of this Act, unless there be something in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed and construed to include "County of a City" or "County of a Town," Words denoting a Male shall be deemed to include a Female also, and Words denoting one Person or Thing shall be deemed to include also several Persons or Things.

XXXIV. And

XXXIV. And be it enacted, That the following Statutes and Parts of Statutes, so far as the same relate to *Ireland*, shall from and after the Day on which this Act shall commence and take effect be and the same are hereby repealed; (that is to say,) so much of an Act passed in the Forty-fourth Year of the Reign of His Majesty King *George* the Third, intituled *An Act to render more easy the apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and also from one County to another*, as relates to the Apprehension of Offenders escaping from *Ireland* into *England*, or from *England* into *Ireland*, and to the backing of Warrants against such Offenders; and so much of another Act passed in the Forty-fifth Year of the Reign of His said Majesty King *George* the Third, intituled *An Act to amend Two Acts of the Thirteenth and Forty-fourth Years of His present Majesty, for the more effectual Execution of the Criminal Laws, and more easy apprehending and bringing to Trial Offenders escaping from one Part of the United Kingdom to the other, and from one County to another*, as relates to the bailing of Offenders escaping from *Ireland* into *England*, or from *England* into *Ireland;* and also another Act passed in the Fifty-fourth Year of the Reign of His said late Majesty King *George* the Third, intituled *An Act for the more easy apprehending and trying of Offenders escaping from one Part of the United Kingdom to the other;* and also another Act passed in the First Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to amend an Act made in the Twenty-eighth Year of the Reign of King* George *the Third, intituled 'An Act to enable Justices of 'the Peace to act as such, in certain Cases, out of the Limits of the 'Counties in which they actually are;'* and so much of another Act passed in the Seventh Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act to enable Commissioners for trying Offences upon the Sea, and Justices of the Peace, to take Examinations touching such Offences, and to commit to safe Custody Persons charged therewith*, as relates to the taking of such Examinations, and the Commitment of Persons so charged, by Justices of the Peace; and so much of another Act passed in the Ninth Year of the Reign of His said late Majesty King *George* the Fourth, intituled *An Act for improving the Administration of Justice in Criminal Cases in* Ireland, as relates to the taking of Bail in Cases of Felony, and to the taking of the Examinations and Informations against Persons charged with Felonies and Misdemeanors, and binding Persons by Recognizance to prosecute or give Evidence; and so much of another Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for enabling Persons indicted for Felony to make their Defence by Counsel or Attorney*, as relates to the Right of Parties charged with

After Commencement of this Act the following Acts and Parts of Acts repealed.

44 G. 3. c. 92.

45 G. 3. c. 92.

54 G. 3. c. 186.

1 & 2 G. 4. c. 63.

7 G. 4. c. 38.

9 G. 4. c. 54.

6 & 7 W. 4. c. 114.

with Offences to have Copies of the Depositions or Examinations against them; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act; save and except so much of the said several Acts as repeal any other Act or Parts of Acts, and also except as to Proceedings now pending to which the same or any of them are applicable.

Act may be amended, &c.

XXXV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

## SCHEDULE.

### (A.)

*Information and Complaint for an Indictable Offence.*

} The Information and Complaint of *C. D.* of
to wit. } [*Yeoman*], taken this Day of
in the Year of our Lord 184 before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of who saith that [*&c., stating the Offence*].

Sworn before [*me*], the Day and Year first above mentioned, at

*J. S.*

### (B.)

*Warrant to apprehend a Person charged with an Indictable Offence.*

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

Whereas *A. B.* of [*Labourer*] hath this Day been charged upon Oath before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that he on at did [*&c., stating shortly the Offence*]: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A. B.*, and to bring him before [*me*], or some other of Her Majesty's Justices of the Peace in and for the said [*County*], to answer unto the said Charge, and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J. S.* (L.S.)

(C.)

*Summons to a Person charged with an Indictable Offence.*

To *A.B.* of [*Labourer*].

WHEREAS you have this Day been charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that you on at [*&c., stating shortly the Offence*]: These are therefore to command you, in Her Majesty's Name, to be and appear before [*me*] on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to answer to the said Charge, and to be further dealt with according to Law. Herein fail not.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the *County* aforesaid.

*J.S.* (L.S.)

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(D.)

*Warrant where the Summons is disobeyed.*

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS on the last past *A.B.* of [*Labourer*] was charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]: And whereas [*I*] then issued [*my*] Summons to the said *A.B.*, commanding him, in Her Majesty's Name, to be and appear before [*me*] on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as might then be there, to answer to the said Charge, and to be further dealt with according to Law: And whereas the said *A.B.* hath neglected to be or appear at the Time and Place appointed in and by the said Summons, although it hath now been proved to [*me*] upon Oath that the said Summons was duly served upon the said *A.B.*: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before [*me*], or some other of Her Majesty's Justices of the Peace in and for the said [*County*], to answer to the said Charge, and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

(E.)

*Warrant to apprehend a Person charged with an Indictable Offence committed on the High Seas or Abroad.*

*For Offences committed on the High Seas the Warrant may be the same as in ordinary Cases, but describing the Offence to have been committed* "on the High Seas, out of the Body of any County of this Realm, and within the Jurisdiction of the Admiralty of England *or* Ireland."

*For Offences committed Abroad for which the Parties may be indicted in this Country the Warrant also may be the same as in ordinary Cases, but describing the Offence to have been committed* "on Land out of the United Kingdom, to wit, at in the Kingdom of ," *or* "at in the East Indies," *or* "at in the Island of in the West Indies," *or as the Case may be.*

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(F.)

*Certificate of Indictment being found.*

I HEREBY certify, That at [a Court of Oyer and Terminer and General Gaol Delivery, *or* a Court of General Quarter Sessions of the Peace,] holden in and for the [*County*] of at in the said [*County*], on a Bill of Indictment was found by the Grand Jury against *A.B.*, therein described as *A.B.* late of [*Labourer*], for that he [*&c., stating shortly the Offence*], and that the said *A.B.* hath not appeared or pleaded to the said Indictment.

Dated this Day of 184 .

*J.D.*

Clerk of the Crown of the

*or*

Clerk of the Peace of and for the said [*County*].

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(G.)

*Warrant to apprehend a Person indicted.*

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS it hath been duly certified by *J.D.*, Clerk of the Crown of the [*or* Clerk of the Peace of and for the [*County*] of ] [that, *&c., stating the Certificate*]: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before [*me*], or some other

other Justice or Justices of the Peace in and for the said [*County*], to be dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(H.)

*Warrant of Commitment of a Person indicted.*

To the Constables of or any of them, and to the Keeper of the [Common Gaol *or* House of Correction] at in the said [*County*] of

WHEREAS by [*my*] Warrant under [*my*] Hand and Seal, dated the Day of after reciting that it had been certified by *J.D.* [*&c., as in the Certificate*], [*I*] commanded the Constables of and all other Peace Officers of the said County, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before [*me*], the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], or before some other Justice or Justices of the Peace in and for the said [*County*], to be dealt with according to Law: And whereas the said *A.B.* hath been apprehended under and by virtue of the said Warrant, and being now brought before [*me*], it is hereupon duly proved to [*me*] upon Oath that the said *A.B.* is the same Person who is named and charged in and by the said Indictment: These are therefore to command you the said Constables, in Her Majesty's Name, forthwith to take and safely convey the said *A.B.* to the said [*House of Correction*] at in the said [*County*], and there to deliver him to the Keeper thereof, together with this Precept; and I hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said [*House of Correction*], and him there safely to keep until he shall be thence delivered by due Course of Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(I.)

*Warrant to detain a Person indicted who is already in Custody for another Offence.*

To the Keeper of the [Common Gaol *or* House of Correction] at in the said [*County*] of

WHEREAS it hath been duly certified by *J.D.*, Clerk of the Crown of the [*or* Clerk of the Peace of and for the County of

of ], that [*&c., stating the Certificate*]: And whereas [*I am*] informed that the said *A.B.* is in your Custody in the said [*Common Gaol*] at aforesaid, charged with some Offence or other Matter; and it being now duly proved upon Oath before [*me*] that the said *A.B.* so indicted as aforesaid, and the said *A.B.* in your Custody as aforesaid, are one and the same Person: These are therefore to command you, in Her Majesty's Name, to detain the said *A.B.* in your Custody in the [*Common Gaol*] aforesaid until by Her Majesty's Writ of Habeas Corpus he shall be removed therefrom for the Purpose of being tried upon the said Indictment, or until he shall otherwise be removed or discharged out of your Custody by due Course of Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

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(K.)

*Indorsement in backing a Warrant.*

} WHEREAS Proof upon Oath hath this Day been made
to wit. } before [*me, One*] of Her Majesty's Justices of the Peace for the said [*County*] of that the Name of *J. S.*, to the within Warrant subscribed, is of the Handwriting of the Justice of the Peace within mentioned; [*I*] do therefore hereby authorize *W. T.*, who bringeth to me this Warrant, and all other Persons to whom this Warrant was originally directed, or by whom it may lawfully be executed, and also all Constables and other Peace Officers of the said [*County*] of to execute the same within the said last-mentioned [*County*],* and to bring the said *A.B.*, if apprehended within the same [*County*], before [*me*], or before some other Justice or Justices of the Peace of the same County, to be dealt with according to Law.

Given under [*my*] Hand, this Day of 184
*J.L.*

* *The Words following this Asterisk are to be used only where the Justice backing the Warrant shall think fit, and may be omitted in backing Irish Warrants in England, Scotland, &c., or in backing English or Scotch Warrants, &c. in Ireland.*

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(L. 1.)

*Summons of a Witness.*

To *E.F.* of [*Labourer*].

WHEREAS Information hath been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of

of that *A.B.* [*&c., as in the Summons or Warrant against the Accused*], and it hath been made to appear to *me* upon [*Oath*] that you are likely to give material Evidence for the [*Prosecution*]: These are therefore to require you to be and to appear before [*me*] on next at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same County as may then be there, to testify what you shall know concerning the said Charge so made against the said *A.B.* as aforesaid. Herein fail not.

Given under *my* Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(L. 2.)

*Warrant where a Witness has not obeyed a Summons.*

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of .

WHEREAS Information having been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of that *A.B.* [*&c., as in the Summons*]; and it having been made to appear to [*me*] upon Oath that *E.F.* of [*Labourer*] was likely to give material Evidence for the Prosecution, *I* [*did*] duly issue [*my*] Summons to the said *E.F.*, requiring him to be and appear before [*me*] on at or before such other Justice or Justices of the Peace for the same County as might then be there, to testify what he should know respecting the said Charge so made against the said *A.B.* as aforesaid: And whereas Proof hath this Day been made before [*me*] upon Oath of such Summons having been duly served upon the said *E.F.*: And whereas the said *E.F.* hath neglected to appear at the Time and Place appointed by the said Summons, and no just Excuse has been offered for such Neglect: These are therefore to command you to bring and have the said *E.F.* before [*me*] on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to testify what he shall know concerning the said Charge so made against the said *A.B.* as aforesaid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

(L. 3.)

*Warrant for a Witness in the first instance.*

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of .

WHEREAS Information hath been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of that [*&c., as in Summons*]; and it having been made to appear to [*me*] upon Oath that *E.F.* of [*Labourer*] is likely to give material Evidence for the Prosecution, and that it is probable that the said *E.F.* will not attend to give Evidence without being compelled so to do, These are therefore to command you to bring and have the said *E.F.* before [*me*] on at o'Clock in the Forenoon at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to testify what he shall know concerning the said Charge so made against the said *A.B.* as aforesaid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L. S.)

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(L. 4.)

*Warrant of Commitment of a Witness for refusing to be sworn or to give Evidence.*

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS *A.B.* was lately charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it having been made to appear to [*me*] upon Oath that *E.F.* of was likely to give material Evidence for the Prosecution, [*I*] duly issued [*my*] Summons to the said *E.F.*, requiring him to be and appear before [*me*] on at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said Charge so made against the said *A.B.* as aforesaid; and the said *E.F.* now appearing before [*me*] [*or*, being brought before [*me*] by virtue

virtue of a Warrant in that Behalf, to testify as aforesaid], and being required to make Oath or Affirmation as a Witness in that Behalf, hath now refused so to do [*or*, being duly sworn as a Witness, doth now refuse to answer certain Questions concerning the Premises which are here put to him], without offering any just Excuse for such his Refusal, These are therefore to command you the said Constables to take the said *E.F.*, and him safely to convey to the [*House of Correction*] at in the County aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *E.F.* into your Custody in the said [*House of Correction*], and him there safely keep for the Space of Days for his said Contempt, unless he shall in the meantime consent to be examined and to answer concerning the Premises; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(M.)

*Depositions of Witnesses.*

to wit. } The Examination of *C.D.* of [*Farmer*] and *E.F.* of [*Labourer*], taken on [*Oath*] this Day of in the Year of our Lord at in the [*County*] aforesaid, before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said [*County*], in the Presence and Hearing of *A.B.*, who is charged this Day before [*me*], for that he the said *A.B.* on at [*&c., describing the Offence as in a Warrant of Commitment*].

THIS Deponent *C.D.* on his [*Oath*] saith as follows [*&c., stating the Deposition of the Witness as nearly as possible in the Words he uses. When his Deposition is complete let him sign it*].

And this Deponent *E.F.*, upon his Oath, saith as follows [*&c.*]

The above Depositions of *C.D.* and *E.F.* were taken and [*sworn*] before [*me*] at on the Day and Year first above mentioned.

*J.S.*

---

(N.)

*Statement of the Accused.*

: *A.B.* stands charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the [*County*] aforesaid, this Day of in the Year of our Lord for that he the said *A.B.* on at [*&c., as in the Caption of the Depositions*]; and the said Charge being read to the said *A.B.*, and the Witnesses for the Prosecution, *C.D.* and *E.F.*, being severally examined in his Presence, the said *A.B.* is now addressed by [*me*] as follows: "Having heard the Evidence, do you wish to say anything in answer to the Charge? you are not obliged to say anything unless you desire to do so; but whatever you say will be taken down in Writing, and may be given in Evidence against you upon your Trial;" whereupon the said *A.B.* saith as follows:

[*Here state whatever the Prisoner may say, and in his very Words, as nearly as possible. Get him to sign it if he will.*]

*A.B.*

Taken before [*me*] at the Day and Year first above mentioned.

*J.S.*

---

(O. 1.)

*Recognizance to prosecute or give Evidence.*

: Be it remembered, That on the Day of in the Year of our Lord *C.D.* of in the Townland, *&c.* of in the said County, *Farmer*, [*or*, *C.D.* of No. 2, Street in the Parish of in the Town [*or* City] of *Surgeon*, of which said House he is Tenant,] personally came before [*me*], *One* of Her Majesty's Justices of the Peace for the said County, and acknowledged himself to owe to our Sovereign Lady the Queen the Sum of of good and lawful Money of Great Britain, to be made and levied of his Goods and Chattels, Lands and Tenements, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *C.D.* shall fail in the Condition indorsed.

Taken and acknowledged, the Day and Year first above mentioned, at before [*me*]

*J.S.*

---

*Condition to prosecute.*

The Condition of the within-written Recognizance is such, That whereas one *A.B.* was this Day charged before [*me*] *J.S.*, Justice of the Peace within mentioned, for that [*&c., as in the Caption of the Depositions*]; if therefore he the said *C.D.* shall appear at the next Court of Oyer and Terminer or General Gaol Delivery [*or* at the next Court of General Quarter Sessions of the Peace] to be holden in and for the [*County*] of * and there prefer or cause to be preferred a Bill of Indictment for the Offence aforesaid against the said *A.B.*, and there also duly prosecute such Indictment, then the said Recognizance to be void, or else to stand in full force and virtue.

---

*Condition to prosecute and give Evidence.*

*Same as the last Form to the Asterisk*, and then thus:*—"and there prefer or cause to be preferred a Bill of Indictment against the said *A.B.* for the Offence aforesaid, and duly prosecute such Indictment, and give Evidence thereon as well to the Jurors who shall then inquire of the said Offence as also to them who shall pass upon the Trial of the said *A.B.*, then the said Recognizance to be void, or else to stand in full force and virtue."

---

*Condition to give Evidence.*

*Same as the last Form but One to the Asterisk*, and then thus:*—"and there give such Evidence as he knoweth upon a Bill of Indictment to be then and there preferred against the said *A.B.* for the Offence aforesaid, as well to the Jurors who shall there inquire of the said Offence as also to the Jurors who shall pass upon the Trial of the said *A.B.* if the said Bill shall be found a true Bill, then the said Recognizance to be void, or else to stand in full force and virtue."

---

(O. 2.)

*Notice of the said Recognizance to be given to the Prosecutor and his Witnesses.*

to wit. } TAKE notice, That you *C.D.* of are bound in the Sum of to appear at the next Court of [*General Quarter Sessions of the Peace*] in and for the County of to be holden at in the said County, and then and there [prosecute and] give Evidence against *A.B.*;

*A.B.*; and unless you then appear there, and [prosecute and] give Evidence accordingly, the Recognizance entered into by you will be forthwith levied on you. Dated this Day of 184 .

*J.S.*

---

(P. 1.)

*Commitment of Witness for refusing to enter into the Recognizance.*

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS *A.B.* was lately charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons to the Witness*], and it having been made to appear to [*me*] upon Oath that *E.F.* of was likely to give material Evidence for the Prosecution, [*I*] duly issued [*my Summons to the said E.F., requiring him to be and appear*] before [*me*] on at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said Charge so made against the said *A.B.* as aforesaid; and the said *E.F.* now appearing before [*me*], [*or*, being brought before [*me*] by virtue of a Warrant in that Behalf, to testify as aforesaid,] hath been now examined by [*me*] touching the Premises, but being by [*me*] required to enter into a Recognizance conditioned to give Evidence against the said *A.B.* hath now refused so to do: These are therefore to command you the said Constables or any of you to take the said *E.F.*, and him safely to convey to the [*House of Correction*] at in the [*County*] aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *E.F.* into your Custody in the said [*House of Correction*], there to imprison and safely keep him until after the Trial of the said *A.B.* for the Offence aforesaid, unless in the meantime such *E.F.* shall duly enter into such Recognizance as aforesaid in the Sum of Pounds, before some One Justice of the Peace for the said [*County*], conditioned in the usual Form to appear at the next Court of [Oyer and Terminer or General Gaol Delivery, *or* General Quarter Sessions of the Peace,] to be holden in and for the [*County*] of and there to give Evidence before the Grand Jury upon any Bill of Indictment which may then and there be preferred against the said *A B.* for the Offence aforesaid, and also to give Evidence upon the Trial

Trial of the said *A.B.* for the said Offence, if a true Bill should be found against him for the same.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

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(P. 2.)

*Subsequent Order to discharge the Witness.*

To the Keeper of the [*House of Correction*] at in the [*County*] of

WHEREAS by [*my*] Order dated the Day of [*instant*], reciting that *A.B.* was lately before then charged before [*me*] for a certain Offence therein mentioned, and that *E.F.* having appeared before [*me*], and being examined as a Witness for the Prosecution in that Behalf, refused to enter into a Recognizance to give Evidence against the said *A.B.*, and [*I*] therefore thereby committed the said *E.F.* to your Custody, and required you safely to keep him until after the Trial of the said *A.B.* for the Offence aforesaid, unless in the meantime he should enter into such Recognizance as aforesaid: And whereas for Want of sufficient Evidence against the said *A.B.* the said *A.B.* has not been committed or holden to Bail for the said Offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said *E.F.* should be detained longer in your Custody: These are therefore to order and direct you the said Keeper to discharge the said *E.F.* out of your Custody as to the said Commitment, and suffer him to go at large.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

---

(Q. 1.)

*Warrant remanding a Prisoner.*

To the Constables of or any of them, and to the [*Keeper of the House of Correction*] at in the said [*County*] of

WHEREAS *A. B.* was this Day charged before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of * for that [*&c., as in the Warrant to apprehend*]; and it appears to [*me*] to be necessary to remand the said *A. B.*:

 These

These are therefore to command you the said Constables, or any of you, in Her Majesty's Name, forthwith to convey the said *A.B.* to the [*House of Correction*] at in the said [*County*], and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said House of Correction, and there safely keep him until the Day of [*instant*], when [*I*] hereby command you to have him at at o'Clock in the Forenoon of the same Day before [*me*], or before such other Justice or Justices of the Peace for the said [*County*] as may then be there, to answer further to the said Charge, and to be further dealt with according to Law, unless you shall be otherwise ordered in the meantime.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

---

(Q. 2.)

*Recognizance of Bail instead of Remand, on an Adjournment of Examination.*

: Be it remembered, That on the Day of in the Year of our Lord *A.B.* of [*Labourer*], *L.M.* of [*Grocer*], and *N.O.* of [*Butcher*], personally came before [*me*] One of Her Majesty's Justices of the Peace for the said [*County*], and severally acknowledged themselves to owe to our Lady the Queen the several Sums following; that is to say, the said *A.B.* the Sum of and the said *L.M.* and *N.O.* the Sum of each of good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.* fail in the Condition indorsed.

Taken and acknowledged, the Day and Year first above mentioned, at before [*me*],

*J.S.*

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*Condition.*

The Condition of the within-written Recognizance is such, That whereas the within bounden *A.B.* was this Day [*or* on last past] charged before [*me*], for that [*&c., as in the Warrant*]: And whereas the Examination of the Witnesses for the Prosecution in this Behalf

Behalf is adjourned until the Day of [*instant*]; if therefore the said *A.B.* shall appear before [*me*] on the said Day of [*instant*], at o'Clock in the Forenoon, or before such other Justice or Justices of the Peace for the said [*County*] as may then be there, to answer [further] to the said Charge, and to be further dealt with according to Law, then the said Recognizance to be void, or else to stand in full force and virtue.

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(Q. 3.)

*Notice of such Recognizance to be given to the Accused and his Sureties.*

: Take notice, That you *A.B.* of are bound in the Sum of and your Sureties *L.M.* and *N.O.* in the Sum of each, that you *A.B.* appear before [*me*] *J.S.*, One of Her Majesty's Justices of the Peace for the [*County*] of on the Day of [*instant*], at o'Clock in the Forenoon, at or before such other Justice or Justices of the Peace for the same [*County*] as may then be there, to answer further to the Charge made against you by *C.D.*, and to be further dealt with according to Law; and unless you *A.B.* personally appear accordingly, the Recognizances entered into by yourself and Sureties will be forthwith levied on you and them. Dated this Day of 184 .

*J.S.*

---

(Q. 4.)

*Certificate of Non-appearance to be endorsed on the Recognizance.*

I hereby certify, That the said *A.B.* hath not appeared at the Time and Place in the above Condition mentioned, but therein hath made Default, by reason whereof the within-written Recognizance is forfeited.

*J.S.*

---

(R. 1.)

*Warrant to convey the Accused before a Justice of the County, &c. in which the Offence was committed.*

To *W.T.*, Constables of or any of them, and to all other Peace Officers in the said [*County*] of

Whereas *A.B.* of [*Labourer*], hath this Day been charged before the undersigned, [*One*] of Her Majesty's Justices of the

the Peace in and for the said County of for that [*&c., as in the Warrant to apprehend*]: And whereas [*I*] have taken the Deposition of *C.D.*, a Witness examined by [*me*] in this Behalf; but inasmuch as [*I am*] informed that the principal Witnesses to prove the said Offence against the said *A.B.* reside in the [*County*] of *C.*, where the said Offence is alleged to have been committed, These are therefore to command you the said Constable, in Her Majesty's Name, forthwith to take and convey the said *A.B.* to the said [*County*] of *C.*, and there carry him before some Justice or Justices of the Peace in and for that [*County*], and near unto the [*Parish of D.*], where the Offence is alleged to have been committed, to answer further to the said Charge before him or them, and to be further dealt with according to Law; and [*I*] hereby further command you the said Constable to deliver to the said Justice or Justices the Information in this Behalf, and also the said Deposition of *C.D.* now given into your Possession for that Purpose, together with this Precept.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

---

(R. 2.)

*Certificate for Payment of the Constable's Expenses.*

To *R.W.* Esquire, Paymaster of the Constabulary Force of County of *C.*

WHEREAS *W.T.*, Constable of in the County of *A.*, hath by virtue of and in obedience to a certain Warrant of *J.S.*, Esquire, [*One*] of Her Majesty's Justices of the Peace in and for the said County of *A.*, taken and conveyed one *A.B.*, charged before the said *J.S.* with having [*&c., stating shortly the Offence*], from in the said County of *A.* to in the said County of *C.*, a Distance of Miles, and produced the said *A.B.* before [*me*] *S.P.*, One of Her Majesty's Justices of the Peace in and for the said County of *C.*, and delivered him into the Custody of by [*my*] Direction, to answer to the said Charge, and further to be dealt with according to Law: And whereas the said *W.T.* hath also delivered to [*me*] the said Warrant, together with the Information in that Behalf, and also the Deposition of *C.D.* in the said Warrant mentioned, and hath proved to [*me*] upon Oath the Handwriting of the said *J.S.* subscribed to the same: Now [*I*] hereby certify, that the said Constable is entitled to his reasonable Costs and Expenses of the same, and of returning to his Home, according to the Form of the

the Statute in such Case made and provided, for which this Certificate shall be your sufficient Voucher and Authority.

Given under [*my*] Hand, this Day of 184 .

*J.P.*

(S. 1.)

*Recognizance of Bail.*

Be it remembered, That on the Day of in the Year of our Lord *A.B.* of [*Labourer*], *L.M.* of [*Grocer*], and *N.O.* of [*Butcher*], personally came before [*us*] the undersigned, Two of Her Majesty's Justices of the Peace for the said [*County*], and severally acknowledged themselves to owe to our Lady the Queen the several Sums following; (that is to say,) the said *A.B.* the Sum of and the said *L.M.* and *N.O.* the Sum of each, of good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.* fail in the Condition indorsed.

Taken and acknowledged, the Day and Year first above mentioned at before [*us*],

*J.S.*
*J.N.*

*Condition in ordinary Cases.*

The Condition of the within-written Recognizance is such, That whereas the said *A.B.* was this Day charged before [*us*], the Justices within mentioned, for that [*&c., as in the Warrant*]; if therefore the said *A.B.* will appear at the next Court of Oyer and Terminer and General Gaol Delivery [*or* Court of General Quarter Sessions of the Peace] to be holden in and for the County of and there surrender himself into the Custody of the Keeper of the [*Common Gaol*] there, and plead to such Indictment as may be found against him by the Grand Jury, for or in respect of the Charge aforesaid, and take his Trial upon the same, and not depart the said Court without Leave, then the said Recognizance to be void, or else to stand in full force and virtue.

*Condition where the Defendant is entitled to a Traverse.*

The Condition of the within-written Recognizance is such, That whereas the said *A.B.* was this Day charged before [*me*], the Justice within

within mentioned, for that [*&c., as in the Warrant or Summons*]; if therefore the said *A.B.* will appear at the next Court of General Quarter Sessions of the Peace [*or* Court of Oyer and Terminer and General Gaol Delivery] to be holden in and for the County of and there plead to such Indictment as may be found against him by the Grand Jury for or in respect of the Charge aforesaid, and shall afterwards at the then next Court of General Quarter Sessions of the Peace [*or* Court of Oyer and Terminer and General Gaol Delivery] surrender himself into the Custody of the Keeper of the [*House of Correction*] there, and take his Trial upon the said Indictment, and not depart the said Court without Leave, then the said Recognizance to be void, or else to stand in full force and virtue.

---

(S. 2.)

*Notice of the said Recognizance to be given to the Accused and his Bail.*

TAKE notice, That you *A.B.* of are bound in the Sum of and your [*Sureties L.M. and N.O.*] in the Sum of each, that you *A.B.* appear, *&c.* [*as in the Condition of the Recognizance*], and not depart the said Court without Leave; and unless you the said *A.B.* personally appear and plead, and take your Trial accordingly, the Recognizance entered into by you and your Sureties shall be forthwith levied on you and them.

Dated this Day of 184 .

*J.S.*

---

(S. 3.)

*Certificate of Consent to Bail by the committing Justice indorsed on the Commitment.*

I HEREBY certify, That [*I*] consent to the within-named *A.B.* being bailed by Recognizance, himself in and [*Two*] Sureties in each.

*J.S.*

---

(S. 4.)

*The like, on a separate Paper.*

WHEREAS *A.B.* was on the committed by [*me*] to the [*House of Correction*] at charged with [*&c., naming the Offence shortly*]:

[*I*] hereby certify, That [*I*] consent to the said *A.B.* being bailed by Recognizance, himself in and [*Two*] Sureties in each. Dated the Day of 184 .

*J.S.*

(S. 5.)

*Warrant of Deliverance on Bail being given for a Prisoner already committed.*

To the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS *A.B.*, late of *Labourer*, hath before [*us, Two*] of Her Majesty's Justices of the Peace in and for the said [*County*], entered into his own Recognizance, and found sufficient Sureties for his Appearance at the next Court of Oyer and Terminer and General Gaol Delivery [*or* Court of General Quarter Sessions of the Peace] to be holden in and for the County of to answer our Sovereign Lady the Queen, for that [*&c., as in the Commitment*], for which he was taken and committed to your said [*House of Correction*]: These are therefore to command you, in Her said Majesty's Name, that if the said *A.B.* do remain in your Custody in the said [*House of Correction*] for the said Cause, and for no other, you shall forthwith suffer him to go at large.

Given under [*our*] Hands and Seals, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)
*J.N.* (L.S.)

---

(T. 1.)

*Warrant of Commitment.*

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS *A.B.* was this Day charged before [*me*], *J.S.*, *One* of Her Majesty's Justices of the Peace in and for the said [*County*] of on the Oath of *C.D.* of *Farmer*, and others, for that [*&c., stating shortly the Offence*]: These are therefore to command you the said Constables of or any of you to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], and there safely keep him until he shall be thence delivered by due Course of Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(T. 2.)

*Gaoler's Receipt to the Constable for the Prisoner.*

I HEREBY certify, That I have received from *W.T.*, Constable of the Body of *A B.*, together with a Warrant under the Hand and Seal of *J.S.*, Esquire, One of Her Majesty's Justices of the Peace for the [*County*] of ; and that the said *A.B.* was [sober, *or as the Case may be*,] at the Time he was so delivered into my Custody.

*P.K.*,
Keeper of the House of Correction [*or* Common Gaol] at

To *R.W.* Esquire, Paymaster of the Constabulary Force of the [*County*] of .

WHEREAS *W.T.*, Constable of in the [*County*] of , hath produced unto me, *J.P.*, One of Her Majesty's Justices of the Peace in and for the said [*County*] of (wherein the Offence herein-after mentioned is alleged to have been committed), the above Receipt of *P.K.*, Keeper of the [*House of Correction*] at : Now I hereby certify that the said Constable is entitled to be paid his reasonable Costs and Expenses of conveying the Prisoner in the said Receipt mentioned to the said [*House of Correction*], and of returning home again, according to the Form of the Statute in such Case made and provided, for which this Certificate shall be your sufficient Voucher and Authority.

Given under my Hand, this Day of 184 .

*J.P.*

Received the Day of 184 of the Paymaster of the Constabulary Force of the [*County*] of the Sum of being the Amount of the Expenses paid to me under the above Certificate.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

**********

## CAP. LXX.

### An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in *Ireland*, with respect to Summary Convictions and Orders. [28th *July* 1849.]

WHEREAS it would conduce much to the Improvement of the Administration of Justice in *Ireland*, so far as respects Summary Convictions, and Orders to be made by Her Majesty's Justices of the Peace therein, if the several Statutes and Parts of Statutes relating to the Duties of such Justices in respect of such Summary Convictions and Orders were consolidated, with such Additions and Alterations as may be deemed necessary, and that such Duties should be clearly defined by such positive Enactment: Be it therefore declared and enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That in all Cases where an Information shall be laid before One or more of Her Majesty's Justices of the Peace for any County, Division, Liberty, City, Borough, or Place within *Ireland*, that any Person has committed or is suspected to have committed any Offence or Act within the Jurisdiction of such Justice or Justices for which he is liable

In all Cases where Information shall be laid or Complaint made of Offences committed, Justices may

Issue Summons to Persons to answer the same.

liable by Law, upon a Summary Conviction for the same before a Justice or Justices of the Peace, to be imprisoned or fined, or otherwise punished, and also in all Cases where a Complaint shall be made to any such Justice or Justices upon which he or they have or shall have Authority by Law to make any Order for the Payment of Money or otherwise, then and in every such Case it shall be lawful for such Justice or Justices of the Peace to issue his or their Summons (A.) directed to such Person, stating shortly the Matter of such Information or Complaint, and requiring him to appear at a certain Time and Place before the same Justice or Justices, or before such other Justice or Justices of the same County, Division, Liberty, City, Borough, or Place as shall then be there, to answer to the said Information or Complaint, and to be further dealt with according to Law; and every such Summons shall be served upon the Person to whom it is so directed by delivering the same to the Party personally, or by leaving the same with some Person for him at his last or most usual Place of Abode; and the Person who shall serve the same in manner aforesaid shall attend at the Time and Place and before the Justices in the said Summons mentioned, to depose, if necessary, to the Service of the said Summons: Provided always, that nothing herein mentioned shall oblige any Justice or Justices of the Peace to issue any such Summons in any Case where the Application for any Order of Justices is by Law to be made *ex parte*: Provided also, that no Objection shall be taken or allowed to any Information, Complaint, or Summons, for any alleged Defect therein in Substance or in Form, or for any Variance between such Information, Complaint, or Summons and the Evidence adduced on the Part of the Informant or Complainant at the Hearing of such Information or Complaint as herein-after mentioned; but if any such Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so summoned and appearing has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day.

How Summons to be served.

Justices not obliged to issue Summonses in certain Cases.

No Objection allowed for Want of Form.

If Summons be not obeyed, Justices may issue Warrant;

II. And be it enacted, That if the Person so served with a Summons as aforesaid shall not be and appear before the Justice or Justices at the Time and Place mentioned in such Summons, and it shall be made to appear to such Justice or Justices, by Oath or Affirmation, that such Summons was so served what shall be deemed by such Justice or Justices to be a reasonable Time before the Time therein appointed for appearing to the same, then it shall be lawful for such Justice or Justices, if he or they shall think fit, upon Oath or Affirmation being made before him or them substantiating the Matter of such Information or Complaint to his or their Satisfaction, to issue his

his or their Warrant (B.) to apprehend the Party so summoned, and to bring him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same County, Division, Liberty, City, Borough or Place, to answer to the said Information or Complaint, and to be further dealt with according to Law; or upon such Information being laid as aforesaid for any Offence punishable on Conviction the Justice or Justices before whom such Information shall have been laid may, if he or they shall think fit, upon Oath or Affirmation being made before him or them substantiating the Matter of such Information to his or their Satisfaction, instead of issuing such Summons as aforesaid, issue in the first instance his or their Warrant (C.) for apprehending the Person against whom such Information shall have been so laid, and bringing him before the same Justice or Justices, or before some other Justice or Justices of the Peace in and for the same County, Division, Liberty, City, Borough, or Place, to answer to the said Information, and to be further dealt with according to Law; or if, where a Summons shall be so issued as aforesaid, and upon the Day and at the Place appointed in and by the said Summons for the Appearance of the Party so summoned, such Party shall fail to appear accordingly in obedience to such Summons, then and in every such Case, if it be proved upon Oath or Affirmation to the Justice or Justices then present that such Summons was duly served upon such Party a reasonable Time before the Time so appointed for his Appearance as aforesaid, it shall be lawful for such Justice or Justices of the Peace to proceed *ex parte* to the Hearing of such Information or Complaint, and to adjudicate thereon, as fully and effectually, to all Intents and Purposes, as if such Party had personally appeared before him or them in obedience to the said Summons.

or may issue Warrant in the first instance;

or if Summons, having been duly served, be not obeyed, the Justices may proceed ex parte.

III. And be it enacted, That every such Warrant to apprehend a Defendant, that he may answer to any such Information or Complaint as aforesaid, shall be under the Hand and Seal or Hands and Seals of the Justice or Justices issuing the same, and may be directed either to any Constable or other Person by Name, or generally to the Constables of the District within which the same is to be executed, or any of them, without naming them, or to such Constables and all other Constables within the County or other District within which the Justice or Justices issuing such Warrant hath or have Jurisdiction, or generally to all the Constables within such last-mentioned County or District, and it shall state shortly the Matter of the Information or Complaint on which it is founded, and shall name or otherwise describe the Person against whom it has been issued, and it shall order the Constables or other Person to whom it is directed to apprehend the said Defendant, and to bring him before One or more Justice or Justices of the Peace

Form of Warrant.

Peace (as the Case may require) of the same County, Division, Liberty, City, Borough, or Place, to answer to the said Information or Complaint, and to be further dealt with according to Law; and that it shall not be necessary to make such Warrant returnable at any particular Time, but the same may remain in full Force until it shall be executed; and such Warrant may be executed by apprehending the Defendant at any Place within the County, Division, Liberty, City, Borough, or Place within which the Justices issuing the same shall have Jurisdiction, or, in case of fresh Pursuit, at any Place in the next adjoining County or Place within Seven Miles of the Border of such first-mentioned County, Division, Liberty, City, Borough, or Place, without having such Warrant backed as herein-after mentioned; and in all Cases where such Warrant shall be directed to all Constables or Peace Officers within the County or other District within which the Justice or Justices issuing the same shall have Jurisdiction, it shall be lawful for any Constable or other Peace Officer for any District or Place situate within the Limits of the Jurisdiction for which such Justice or Justices shall have acted when he or they granted such Warrant to execute such Warrant in like Manner as if such Warrant were directed specially to such Constable by Name, and notwithstanding that the Place in which such Warrant shall be executed shall not be within the District or Place for which he shall be such Constable or other Peace Officer; and such of the Provisions and Enactments contained in a certain Act of Parliament made and passed in this present Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, *with respect to Persons charged with Indictable Offences*, as to the backing of any Warrant, and the Endorsement thereon by a Justice of the Peace or other Officer, authorizing the Person bringing such Warrant, and all other Persons to whom the same was originally directed, to execute the same within the Jurisdiction of the Justice or Officer so making such Endorsement, as are applicable to the Provisions of this Act, shall extend to all such Warrants, and to all Warrants of Commitment issued under and by virtue of this Act, in as full and ample a Manner as if the said several Provisions and Enactments were here repeated and made Parts of this Act: Provided always, that no Objection shall be taken or allowed to any such Warrant to apprehend a Defendant so issued upon any such Information or Complaint as aforesaid under or by virtue of this Act, for any alleged Defect therein in Substance or in Form, or for any Variance between it and the Evidence adduced on the Part of the Informant or Complainant as herein-after mentioned; but if any such Variance shall appear to the Justice or Justices present and acting at such Hearing to be such that the Party so apprehended under such

Where and how Warrant may be executed.

Certain Provisions of 12 & 13 Vict. c. 69. as to backing of Warrants to extend to Warrants issued under this Act.

No Objection allowed for Want of Form in the Warrant, or for any Variance between it and Evidence adduced;

but if the Party charged

Warrant has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit (D.) the said Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned: Provided always, that in all Cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) upon the Back of the said Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant,

is deceived by the Variation, he may be committed or discharged upon Recognizance;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

IV. And be it enacted, That in any Information or Complaint, or the Proceedings thereon, in which it shall be necessary to state the Ownership of any Property belonging to or in the Possession of Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to name one of such Persons, and to state the Property to belong to the Person so named and another or others, as the Case may be, and whenever in any Information or Complaint, or the Proceedings thereon, it shall be necessary to mention, for any Purpose whatsoever, any Partners, Joint Tenants, Parceners, or Tenants in Common, it shall be sufficient to describe them in manner aforesaid; and whenever in any such Information or Complaint, or the Proceedings thereon, it shall be necessary to describe the Ownership of any Work or Building made, maintained, or repaired at the Expense of any County, Division, Liberty, City, Borough, or Place, or of any Materials for the making, altering, or repairing of the same, they may be therein described as the Property of the Inhabitants of such County, Division, Liberty, City, Borough, or Place respectively; and all Goods provided by Guardians of the Poor or their Officers respectively for the Use of the Poor may in any such Information or Complaint, or the Proceedings thereon, be described as the Goods of the Guardians of the Poor of the Union to which the same belong, without naming any of them; and all Materials and Tools provided for the Repair of Highways at the Expense of Baronies

Description of the Property of Partners, &c.;

of the Property of Counties;

of the Property in Goods provided for the Poor;

of the Property in Materials for Roads,

Baronies or other Districts in which such Highways may be situate may be therein described as the Property of the County Surveyor or Surveyors respectively, without naming him or them; and all Materials or Tools provided for making or repairing any Turnpike Road, and Buildings, Gates, Lamps, Boards, Stones, Posts, Fences, or other Things erected or provided for the Purpose of any such Turnpike Road, may be described as the Property of the Commissioners or Trustees of such Turnpike Road, without naming them; and all Property of any Persons described in any Act of Parliament now made or hereafter to be made, or in any Charter or Letters of Incorporation now in existence or hereafter to be granted, as Commissioners, Directors, Trustees, or by any other general Designation whatsoever may be described as the Property of such Commissioners, Directors, Trustees, or Persons described by such other general Designation, without naming them.

of the Property in Materials for Turnpike Roads, &c.;

of the Property of Commissioners, &c.

Prosecution and Punishment of Aiders and Abettors in the Commission of Offences.

V. And be it enacted, That every Person who shall aid, abet, counsel, or procure the Commission of any Offence which is or hereafter shall be punishable on summary Conviction shall be liable to be proceeded against and convicted for the same, either together with the principal Offender, or before or after his Conviction, and shall be liable on Conviction to the same Forfeiture and Punishment as such principal Offender is or shall be by Law liable, and may be proceeded against and convicted either in the County, Riding, Division, Liberty, City, Borough, or Place where such principal Offender may be convicted, or in that in which such Offence of aiding, abetting, counselling, or procuring may have been committed.

Provisions of 12 & 13 Vict. c. 69. as to Justices in one County, &c. acting for another to extend to this Act.

VI. And be it enacted, That such of the Provisions and Enactments in the Act aforesaid passed in this present Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices of the Peace out of Quarter Sessions in* Ireland, *with respect to Persons charged with Indictable Offences*, whereby a Justice of the Peace for one County, Division, Liberty, City, Borough, or Place may act for the same whilst residing or being in an adjoining County, Division, Liberty, City, Borough, or Place of which he is also a Justice of the Peace, or whereby a Justice of the Peace for any County at large, Division, or Liberty may act as such within any City, Town, or Precinct next adjoining thereto or surrounded thereby, being a County of itself or otherwise having exclusive Jurisdiction, as are applicable to the Provisions of this Act, shall be deemed to be incorporated into this Act, and to extend to all Acts required of or to be performed by Justices of the Peace under or by virtue of this Act, in as full and ample a Manner as if the said Provisions and Enactments were here repeated and made Parts of this Act.



VII. And

VII. And be it enacted, That if it shall be made to appear to any Justice of the Peace, by the Oath or Affirmation of any credible Person, that any Person within the Jurisdiction of such Justice is likely to give material Evidence in behalf of the Prosecutor or Complainant or Defendant, and will not voluntarily appear for the Purpose of being examined as a Witness at the Time and Place appointed for the Hearing of such Information or Complaint, such Justice may and is hereby required to issue his Summons (G. 1.) to such Person under his Hand and Seal, requiring him to be and appear at a Time and Place mentioned in such Summons before the said Justice, or before such other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place as shall then be there, to testify what he shall know concerning the Matter of the said Information or Complaint; and if any Person so summoned shall neglect or refuse to appear at the Time and Place appointed by the said Summons, and no just Excuse shall be offered for such Neglect or Refusal, then (after Proof upon Oath or Affirmation of such Summons having been served upon such Person, either personally or by leaving the same for him with some Person at his last or most usual Place of Abode, and that a reasonable Sum was paid or tendered to him for his Costs and Expenses in that Behalf,) it shall be lawful for the Justice or Justices before whom such Person should have appeared to issue a Warrant (G. 2.) under his or their Hands and Seals to bring and have such Person, at a Time and Place to be therein mentioned, before the Justice who issued the said Summons, or before such other Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place as shall then be there, to testify as aforesaid, and which said Warrant may, if necessary, be backed as herein-before is mentioned, in order to its being executed out of the Jurisdiction of the Justice who shall have issued the same; or if such Justice shall be satisfied by Evidence upon Oath or Affirmation, that it is probable that such Person will not attend to give Evidence without being compelled so to do, then, instead of issuing such Summons, it shall be lawful for him to issue his Warrant (G. 3.) in the first instance, and which, if necessary, may be backed as aforesaid; and if on the Appearance of such Person so summoned before the said last-mentioned Justice or Justices, either in obedience to the said Summons or upon being brought before him or them by virtue of the said Warrant, such Person shall refuse to be examined upon Oath or Affirmation concerning the Premises, or shall refuse to take such Oath or Affirmation, or, having taken such Oath or Affirmation, shall refuse to answer such Questions concerning the Premises as shall then be put to him, without offering any just Excuse for such Refusal, any Justice of the Peace then present, and having there Jurisdiction, may by Warrant (G. 4.) under his Hand and Seal commit

Power to Justice to summon Witnesses to attend and give Evidence;

If Summons be not obeyed, Justices may issue Warrant.

In certain Cases may issue Warrant in the first instance.

Persons appearing on Summons, &c. refusing to be examined, may be committed.

commit the Person so refusing to the Common Gaol or House of Correction for the County, Division, Liberty, City, Borough, or Place where such Person so refusing shall then be, there to remain and be imprisoned for any Time not exceeding Seven Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises.

Complaints for an Order need not be in Writing.

VIII. And be it enacted, That in all Cases of Complaints upon which a Justice or Justices of the Peace may make an Order for the Payment of Money or otherwise it shall not be necessary that such Complaint shall be in Writing, unless it shall be required to be so by some particular Act of Parliament upon which such Complaint shall be framed.

As to Proceedings upon Informations for Offences punishable on summary Convictions.

IX. And be it declared and enacted, That in all Cases of Informations for any Offences or Acts punishable upon summary Conviction any Variance between such Information and the Evidence adduced in support thereof as to the Time at which such Offence or Act shall be alleged to have been committed shall not be deemed material, if it be proved that such Information was in fact laid within the Time limited by Law for laying the same; and any Variance between such Information and the Evidence adduced in support thereof as to the Parish or Place in which the Offence or Act shall be alleged to have been committed shall not be deemed material, provided that the Offence or Act be proved to have been committed within the Jurisdiction of the Justice or Justices by whom such Information shall be heard and determined; and if any such Variance, or any Variance in any other respect between such Information and the Evidence adduced in support thereof, shall appear to the Justice or Justices present and acting at the Hearing to be such that the Party charged by such Information has been thereby deceived or misled, it shall be lawful for such Justice or Justices, upon such Terms as he or they shall think fit, to adjourn the Hearing of the Case to some future Day, and in the meantime to commit (D.) the said Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as the said Justice or Justices shall think fit, or to discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned: Provided always, that in all Cases where a Defendant shall be discharged upon Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) upon the Back of the

The Party charged, if deceived by Variation between Information and Evidence, may be committed or discharged upon Recognizance;

but if he fail to re appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

the said Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant.

Manner of making Complaint or laying Information.

X. And be it declared and enacted, That every such Complaint upon which a Justice or Justices of the Peace is or are or shall be authorized by Law to make an Order, and that every Information for any Offence or Act punishable upon Summary Conviction, unless some particular Act of Parliament shall otherwise require, may respectively be made or laid without any Oath or Affirmation being made of the Truth thereof; except in Cases of Informations where the Justice or Justices receiving the same shall thereupon issue his or their Warrant in the first instance to apprehend the Defendant as aforesaid, and in every such Case where the Justice or Justices shall issue his or their Warrant in the first instance the Matter of such Information shall be substantiated by the Oath or Affirmation of the Informant, or by some Witness or Witnesses on his Behalf, before any such Warrant shall be issued; and every such Complaint shall be for One Matter of Complaint only, and not for Two or more Matters of Complaint; and every such Information shall be for One Offence only, and not for Two or more Offences; and every such Complaint or Information may be laid or made by the Complainant or Informant in Person, or by his Counsel or Attorney or other Person authorized in that Behalf.

When Warrant issued in the first instance, Information to be upon Oath, &c.

Time limited for such Complaint or Information.

XI. And be it enacted, That in all Cases where no Time is already or shall hereafter be specially limited for making any such Complaint or laying any such Information in the Act or Acts of Parliament relating to each particular Case, such Complaint shall be made and such Information shall be laid within Six Calendar Months from the Time when the Matter of such Complaint or Information respectively arose.

As to the Hearing of Complaints and Informations. 7 & 8 G. 4. c. 67. and 6 & 7 W. 4. c. 31.

XII. And be it enacted, That, subject to the Provisions of an Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, and an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth amending the same, every such Complaint and Information shall be heard, tried, determined, and adjudged by One or Two or more Justice or Justices of the Peace, as shall be directed by the Act of Parliament upon which such Complaint or

Information shall be framed, or such other Act or Acts of Parliament as there may be in that Behalf; and if there be no such Direction in any such Act of Parliament, then such Complaint or Information may be heard, tried, determined, and adjudged by One or more Justice or Justices of the Peace for the County, Division, Liberty, City, Borough, or Place where the Matter of such Information shall have arisen; and the Room or Place in which such Justice or Justices shall sit to hear and try any such Complaint or Information shall be deemed an open and public Court, to which the Public generally may have Access, so far as the same can conveniently contain them; and the Party against whom such Complaint is made or Information laid shall be admitted to make his full Answer and Defence thereto, and to have the Witnesses examined and cross-examined by Counsel or Attorney on his Behalf; and every Complainant or Informant in any such Case shall be at liberty to conduct such Complaint or Information respectively and to have the Witnesses examined and cross-examined by Counsel or Attorney on his Behalf; and if any Person shall wilfully insult any Justice or Justices sitting in such Court, or any Justice or Justices sitting in any Court of Petty Sessions, or shall commit any Contempt of any such Court, it shall be lawful for such Justice or Justices, by any verbal Order, to direct such Person to be taken into Custody, and at any Time before the rising of such Court, by Warrant under his or their Hand and Seal, to commit such Person to any Gaol or Bridewell of the County for any Period not exceeding Seven Days, or to fine such Person in any Sum not exceeding Forty Shillings, which, in case of Nonpayment, may be levied in like Manner as other Fines or Penalties.

Places in which Justices shall sit to hear Complaints, &c. to be deemed an open Court.

Parties allowed to plead by Counsel or Attorney.

Power to commit for Contempt of Court.

If Defendant does not appear, Justices may proceed to hear and determine, or issue Warrant, and adjourn the Hearing till Defendant is apprehended.

XIII. And be it enacted, That if at the Day and Place appointed in and by the Summons aforesaid for hearing and determining such Complaint or Information the Defendant against whom the same shall have been made or laid shall not appear when called, the Constable or other Person who shall have served him with the Summons in that Behalf shall then declare upon Oath in what Manner he served the said Summons; and if it appear to the Satisfaction of any Justice or Justices that he duly served the said Summons, in that Case such Justice or Justices may proceed to hear and determine the Case in the Absence of such Defendant, or the said Justice or Justices, upon the Nonappearance of such Defendant as aforesaid, may, if he or they think fit, issue his or their Warrant in manner hereinbefore directed, and shall adjourn the Hearing of the said Complaint or Information until the said Defendant shall be apprehended; and when such Defendant shall afterwards be apprehended under such Warrant he shall be brought before the same Justice or Justices, or some other Justice or Justices of the same County, Division,

Liberty, City, Borough, or Place, who shall thereupon, either by his or their Warrant (H.), commit such Defendant to the House of Correction or other Prison, Lock-up House, or Place of Security, or, if he or they think fit, verbally to the Custody of the Constable or other Person who shall have apprehended him, or to such other safe Custody as he or they shall deem fit, and order the said Defendant to be brought up at a certain Time and Place before such Justice or Justices of the Peace as shall then be there, of which said Order the Complainant or Informant shall have due Notice; or if upon the Day and at the Place so appointed as aforesaid such Defendant shall attend voluntarily in obedience to the Summons in that Behalf served upon him, or shall be brought before the said Justice or Justices by virtue of any Warrant, then, if the Complainant or Informant, having had such Notice as aforesaid, do not appear, by himself, his Counsel or Attorney, the said Justice or Justices shall dismiss such Complaint or Information, unless for some Reason he or they shall think proper to adjourn the Hearing of the same unto some other Day, upon such Terms as he or they shall think fit, in which Case such Justice or Justices may commit (D.) the Defendant in the meantime to the House of Correction or other Prison, Lock-up House, or Place of Security, or to such other Custody as such Justice or Justices shall think fit, or may discharge him upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices conditioned for his Appearance at the Time and Place to which such Hearing shall be so adjourned; and if such Defendant shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which the Offence shall be laid to have been committed, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant; but if both Parties appear, either personally or by their respective Counsel or Attornies, before the Justice or Justices who are to hear and determine such Complaint or Information, then the said Justice or Justices shall proceed to hear and determine the same.

If Defendant appear, and Complainant, &c. does not, Justice may dismiss the Complaint, &c., or at Discretion adjourn Hearing and commit or discharge Defendant upon Recognizance;

but if he fail to re-appear the Justice may transmit the Recognizance to the Clerk of the Peace.

If both Parties appear, Justice to hear and determine the Case.

XIV. And be it enacted, That where such Defendant shall be present at such Hearing the Substance of the Information or Complaint shall be stated to him, and he shall be asked if he have any Cause to show why he should not be convicted, or why an Order should not be made against him, as the Case may be, and if he thereupon

Proceedings on the Hearing of Complaints and Informations.

upon admit the Truth of such Information or Complaint, and show no Cause or no sufficient Cause why he should not be convicted, or why an Order should not be made against him, as the Case may be, then the Justice or Justices present at the said Hearing shall (if they see no sufficient Reason to the contrary) convict him or make an Order against him accordingly; but if he do not admit the Truth of such Information or Complaint as aforesaid, then the said Justice or Justices shall proceed to hear the Prosecutor or Complainant, and such Witnesses as he may examine and such other Evidence as he may adduce, in support of his Information or Complaint respectively, and also to hear the Defendant and such Witnesses as he may examine and such other Evidence as he may adduce in his Defence, and also to hear such Witnesses as the Prosecutor or Complainant may examine in reply, if such Defendant shall have examined any Witnesses or given any Evidence other than as to his the Defendant's general Character; but the Prosecutor or Complainant shall not be entitled to make any Observations in reply upon the Evidence given by the Defendant, nor shall the Defendant be entitled to make any Observations in reply upon the Evidence given by the Prosecutor or Complainant in reply as aforesaid; and the said Justice or Justices, having heard what each Party shall have to say as aforesaid, and the Witnesses and Evidence so adduced, shall consider the whole Matter, and determine the same, and shall convict or make an Order upon the Defendant, or dismiss the Information or Complaint, as the Case may be; and if he or they convict or make an Order against the Defendant, a Minute or Memorandum thereof shall then be made, for which no Fee shall be paid, and the Conviction (I. 1–3.) or Order (K. 1–3.) shall afterwards be drawn up by the said Justice or Justices in proper Form, under his or their Hand and Seal or Hands and Seals, and he or they shall cause the same to be lodged with the Clerk of the Peace, to be by him filed among the Records of the General Quarter Sessions of the Peace; or if the said Justice or Justices shall dismiss such Information or Complaint, it shall be lawful for such Justice or Justices, if he or they shall think fit, being required so to do, to make an Order of Dismissal of the same (L.), and shall give the Defendant in that behalf a Certificate thereof (M.), which said Certificate afterwards, upon being produced, without further Proof, shall be a Bar to any subsequent Information or Complaint for the same Matters respectively against the same Party: Provided always, that if the Information or Complaint in any such Case shall negative any Exemption, Exception, Proviso, or Condition in the Statute on which the same shall be framed, it shall not be necessary for the Prosecutor or Complainant in that Behalf to prove such Negative, but the Defendant may prove the Affirmative thereof in his Defence, if he would have Advantage of the same.

Proviso

XV. And

XV. And be it enacted, That every Prosecutor of any such Information, not having any pecuniary Interest in the Result of the same, and every such Prosecutor having a pecuniary Interest in the Result of the same, who under any Act or Acts is rendered a competent Witness notwithstanding such Interest, and every Complainant in any such Complaint as aforesaid, whatever his Interest may be in the Result of the same, shall be a competent Witness to support such Information or Complaint respectively; and every Witness at any such Hearing as aforesaid shall be examined upon Oath or Affirmation, and the Justice or Justices before whom any such Witness shall appear for the Purpose of being so examined shall have full Power and Authority to administer to every such Witness the usual Oath or Affirmation.

Prosecutors and Complainants in certain Cases to be deemed competent Witnesses, and examined upon Oath, &c.

XVI. And be it enacted, That before or during such Hearing of any such Information or Complaint it shall be lawful for the Justice or Justices present, in his or their Discretion, to adjourn the Hearing of the same to a certain Time and Place to be then appointed and stated in the Presence and Hearing of the Party or Parties, or their respective Attornies or Agents then present, and in the meantime the said Justice or Justices may suffer the Defendant to go at large, or may commit (D.) him (in any Case where a Committal may now be made) to the Common Gaol or House of Correction or other Prison, Lock-up House, or Place of Security in the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice or Justices shall be then acting, or to such other safe Custody as the said Justice or Justices shall think fit, or may discharge such Defendant upon his entering into a Recognizance (E.), with or without Surety or Sureties, at the Discretion of such Justice or Justices, conditioned for his Appearance at the Time and Place to which such Hearing or further Hearing shall be adjourned; and if at the Time or Place to which such Hearing or further Hearing shall be so adjourned either or both of the Parties shall not appear personally, or by his or their Counsel or Attornies respectively, before the said Justice or Justices, or such other Justice or Justices as shall then be there, it shall be lawful for the Justice or Justices then there present to proceed to such Hearing or further Hearing as if such Party or Parties were present; or if the Prosecutor or Complainant shall not appear, the said Justice or Justices may dismiss such Information or Complaint, with or without Costs, as to such Justices shall seem fit: Provided always, that in all Cases where a Defendant shall be discharged on Recognizance as aforesaid, and shall not afterwards appear at the Time and Place mentioned in such Recognizance, then the said Justice or Justices who shall have taken the said Recognizance, or any other Justice or Justices who may then be there present, upon certifying

Power to Justices to adjourn the Hearing of Cases, and commit Defendant, or suffer him to go at large, or discharge him upon his own Recognizance:

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

(F.) on the Back of the Recognizance the Nonappearance of such accused Party, may transmit such Recognizance to the Clerk of the Peace of the County, Division, Liberty, City, Borough, or Place within which such Recognizance shall have been taken, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant.

Form of Convictions and Orders.

XVII. And be it enacted, That in all Cases of Conviction where no particular Form of such Conviction is or shall be given by the Statute creating the Offence or regulating the Prosecution for the same, and in all Cases of Conviction upon Statutes hitherto passed, whether any particular Form of Conviction have been therein given or not, it shall be lawful for the Justice or Justices who shall so convict to draw up his or their Conviction on Parchment or on Paper in such one of the Forms of Conviction (I. 1–3.) in the Schedule to this Act contained as shall be applicable to such Case, or to the like Effect; and where an Order shall be made, and no particular Form of Order is or shall be given by the Statute giving Authority to make such Order, and in all Cases of Orders to be made under the Authority of any Statutes hitherto passed, whether any particular Form of Order shall therein be given or not, it shall be lawful for the Justice or Justices by whom such Order is to be made to draw up the same in such one of the Forms of Orders (K. 1–3.) in the Schedule to this Act contained as may be applicable to such Case, or to the like Effect.

Power to Justice to award Costs, which shall be specified in Conviction or Order of Dismissal, and may be recovered by Distress.

XVIII. And be it enacted, That in all Cases of Summary Conviction or of Orders made by a Justice or Justices of the Peace it shall be lawful for the Justice or Justices making the same, in his or their Discretion, to award and order in and by such Conviction or Order that the Defendant shall pay to the Prosecutor or Complainant respectively such Costs as to such Justice or Justices shall seem just and reasonable in that Behalf; and in Cases where such Justice or Justices, instead of convicting or making an Order as aforesaid, shall dismiss the Information or Complaint, it shall be lawful for him or them, in his or their Discretion, in and by his or their Order of Dismissal to award and order that the Prosecutor or Complainant respectively shall pay to the Defendant such Costs as to such Justice or Justices shall seem just and reasonable, and the Sums so allowed for Costs shall in all Cases be specified in such Conviction or Order or Order of Dismissal aforesaid, and the same shall be recoverable in the same Manner and under the same Warrants as any Penalty or Sum of Money adjudged to be paid in and by such Conviction or Order is to be recoverable; and in Cases where there is no such

Penalty or Sum to be thereby recovered then such Costs shall be recoverable by Distress and Sale of the Goods and Chattels of the Party, and in default of such Distress by Imprisonment, with or without hard Labour, for any Time not exceeding One Calendar Month, unless such Costs shall be sooner paid.

Power to Justice to issue Warrant of Distress.

XIX. And be it enacted, That where a Conviction adjudges a pecuniary Penalty or Compensation to be paid, or where an Order requires the Payment of a Sum of Money, and by the Statute authorizing such Conviction or Order such Penalty, Compensation, or Sum of Money is to be levied upon the Goods and Chattels of the Defendant by Distress and Sale thereof, and also in Cases where by the Statute in that Behalf no Mode of raising or levying such Penalty, Compensation, or Sum of Money, or of enforcing the Payment of the same, is stated or provided, it shall be lawful for the Justice or Justices making such Conviction or Order, or for any Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Distress (N. 1, 2.) for the Purpose of levying the same, which said Warrant of Distress shall be in Writing under the Hand and Seal of the Justice making the same; and if after Delivery of such Warrant of Distress to the Constable or Constables to whom the same shall have been directed to be executed sufficient Distress shall not be found within the Limits of the Jurisdiction of the Justice granting such Warrant, then, upon Proof alone being made on Oath of the Handwriting of the Justice granting such Warrant before any Justice of any other County or Place, such Justice of such other County or Place shall thereupon make an Endorsement (N. 3.) on such Warrant, signed with his Hand, authorizing the Execution of such Warrant within the Limits of his Jurisdiction, by virtue of which said Warrant and Endorsement the Penalty or Sum aforesaid, and Costs, or so much thereof as may not have been before levied or paid, shall and may be levied by the Person bringing such Warrant, or by the Person or Persons to whom such Warrant was originally directed, or by any Constable or other Peace Officer of such last-mentioned County or Place, by Distress and Sale of the Goods and Chattels of the Defendant in such other County or Place: Provided always, that whenever it shall appear to the Justice or Justices of the Peace to whom Application shall be made for any such Warrant of Distress as aforesaid that the issuing thereof would be ruinous to the Defendant and his Family, or wherever it shall appear to such Justice or Justices, by the Confession of the Defendant or otherwise, that he hath no Goods or Chattels whereon to levy such Distress, then and in every such Case it shall be lawful for such Justice or Justices, if he or they shall deem it fit, instead of issuing such Warrant of Distress,

Where the issuing a Warrant would be ruinous to Defendant, or where there are no Goods, Justice may commit him to Prison.

Distress, to commit such Defendant to the House of Correction, or if there be no House of Correction within his or their Jurisdiction then to the Common Gaol, there to be imprisoned, with or without hard Labour, for such Time and in such Manner as by Law such Defendant might be so committed in case such Warrant of Distress had issued, and no Goods or Chattels could be found whereon to levy such Penalty or Sum and Costs aforesaid.

Justice, after issuing Warrant, may suffer Defendant to go at large, or order him into Custody, until Return be made, unless he gives Security by Recognizance;

but if he fail to re-appear, the Justice may transmit the Recognizance to the Clerk of the Peace.

XX. And be it enacted, That in all Cases where a Justice or Justices of the Peace shall issue any such Warrant of Distress it shall be lawful for him or them to suffer the Defendant to go at large, or verbally or by a written Warrant in that Behalf, to order the Defendant to be kept and detained in safe Custody until Return shall be made to such Warrant of Distress, unless such Defendant shall give sufficient Security, by Recognizance or otherwise, to the Satisfaction of such Justice, for his Appearance before him at the Time and Place appointed for the Return of such Warrant of Distress, or before such other Justice or Justices for the same County, Division, Liberty, City, Borough, or Place as may then be there: Provided always, that in all Cases where a Defendant shall give Security by Recognizance as aforesaid, and shall not afterwards appear at the Time and Place in such Recognizance mentioned, then the said Justice who shall have taken the said Recognizance, or any Justice or Justices who may then be there present, upon certifying (F.) on the Back of the Recognizance the Nonappearance of the Defendant, may transmit such Recognizance to the Clerk of the Peace of the County, Riding, Division, Liberty, City, Borough, or Place within which the Offence shall be laid to have been committed, to be proceeded upon in like Manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* Evidence of such Nonappearance of the said Defendant.

In default of Sufficiency of Distress Justice may commit Defendant to Prison.

XXI. And be it enacted, That if at the Time and Place appointed for the Return of any such Warrant of Distress the Constable who shall have had the Execution of the same shall return (N. 4.) that he could find no Goods or Chattels or no sufficient Goods or Chattels whereon he could levy the Sum or Sums therein mentioned, together with the Costs of or occasioned by the levying of the same, it shall be lawful for the Justice of the Peace before whom the same shall be returned to issue his Warrant of Commitment (N. 5.) under his Hand and Seal, directed to the same or any other Constable, reciting the Conviction or Order shortly, the issuing of the Warrant of Distress, and the Return thereto, and requiring such Constable to convey such Defendant to the House of Correction, or if there be no House of Correction then to the Common Gaol of the County, Riding, Division, Liberty, City, Borough, or Place for which such Justice shall then be acting, and there

there to deliver him to the Keeper thereof, and requiring such Keeper to receive the Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour, in such Manner and for such Time as shall have been directed and appointed by the Statute on which the Conviction or Order mentioned in such Warrant of Distress was founded, unless the Sum or Sums adjudged to be paid, and all Costs and Charges of the Distress, and also the Costs and Charges of the Commitment and conveying of the Defendant to Prison, if such Justice shall think fit so to order, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

In all Cases of Penalties, Convictions, or Orders, where the Statute provides no Remedy in default of Distress, Justice may commit Defendant to Prison.

XXII. And whereas by some Acts of Parliament Justices of the Peace are authorized to issue Warrants of Distress to levy Penalties or other Sums recovered before them by Distress and Sale of the Offender's Goods, but no further Remedy is thereby provided in case no sufficient Distress be found whereon to levy such Penalties: Be it therefore enacted, That in all such Cases, and in all Cases of Convictions or Orders where the Statute on which the same are respectively founded provides no Remedy in case it shall be returned to a Warrant of Distress thereon that no sufficient Goods of the Party against whom such Warrant shall have been issued can be found, it shall nevertheless be lawful for the Justice to whom such Return is made, or to any other Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, if he or they shall think fit, by his Warrant as aforesaid, to commit the Defendant to the House of Correction or Common Gaol as aforesaid for any Term not exceeding Three Calendar Months, unless the Sum or Sums adjudged to be paid, and all Costs and Charges of the Distress, and of the Commitment and conveying of the Defendant to Prison (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

Power to Justices to order Commitment in the first instance for Nonpayment of a Penalty or of a Sum ordered to be paid.

XXIII And be it enacted, That in all Cases where the Statute by virtue of which a Conviction for a Penalty or Compensation, or an Order for the Payment of Money, is made, makes no Provision for such Penalty or Compensation or Sum being levied by Distress, but directs that if the same be not paid forthwith, or within a certain Time therein mentioned, or to be mentioned in such Conviction or Order, the Defendant shall be imprisoned, or imprisoned and kept to hard Labour, for a certain Time, unless such Penalty, Compensation, or Sum shall be sooner paid, in every such Case such Penalty, Compensation, or Sum shall not be levied by Distress; but if the Defendant do not pay the same, together with Costs, if awarded, forthwith, or at the Time specified in such Conviction or Order for the Payment of the same, it shall be lawful for the Justice or Justices making such

Conviction or Order, or for any other Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Commitment (O. 1. 2.) under his or their Hand and Seal, or Hands and Seals requiring the Constable or Constables to whom the same shall be directed to take and convey such Defendant to the House of Correction or Common Gaol for the County, Riding, Division, Liberty, City, Borough, or Place aforesaid, as the Case may be, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive such Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour, as the Case may be, for such Time as the Statute on which such Conviction or Order is founded as aforesaid shall direct, unless the Sum or Sums adjudged to be paid, and also the Costs and Charges of taking and conveying the Defendant to Prison, if such Justice or Justices shall think fit so to order, shall be sooner paid.

Power to Justices to order Commitment where the Conviction is not for a Penalty, nor the Order for Payment of Money, and the Punishment is by Imprisonment, &c.

XXIV. And be it enacted, That where a Conviction does not order the Payment of any Penalty, but that the Defendant be imprisoned, or imprisoned and kept to hard Labour, for his Offence, or where an Order is not for the Payment of Money, but for the doing of some other Act, and directs that in case of the Defendant's Neglect or Refusal to do such Act he shall be imprisoned, or imprisoned and kept to hard Labour, and the Defendant neglects or refuses to do such Act, in every such Case it shall be lawful for such Justice or Justices making such Conviction or Order, or for some other Justice of the Peace for the same County, Division, Liberty, City, Borough, or Place, to issue his or their Warrant of Commitment (P. 1. 2.) under his or their Hand and Seal or Hands and Seals, and requiring the Constable or Constables to whom the same shall be directed, to take and convey such Defendant to the House of Correction or Common Gaol for the same County, Division, Liberty, City, Borough, or Place, as the Case may be, and there to deliver him to the Keeper thereof, and requiring such Keeper to receive such Defendant into such House of Correction or Gaol, and there to imprison him, or to imprison him and keep him to hard Labour, as the Case may be, for such Time as the Statute on which such Conviction or Order is founded as aforesaid shall direct; and in all such Cases, where by such Conviction or Order any Sum for Costs shall be adjudged to be paid by the Defendant to the Prosecutor or Complainant, such Sum may, if the Justice or Justices shall think fit, be levied by Warrant of Distress (P. 3. 4.) in manner aforesaid, and in default of Distress the Defendant may, if such Justice or Justices shall think fit, be committed (P. 5.) to the same House of Correction or Common Gaol in manner aforesaid, there to be imprisoned

Costs may be levied by Distress, and in default Defendant may be committed for a further Term

prisoned for any Time not exceeding One Calendar Month, to commence at the Termination of the Imprisonment he shall then be undergoing, unless such Sum for Costs, and all Costs and Charges of the said Distress, and also the Costs and Charges of the Commitment and conveying of the Defendant to Prison, if such Justice or Justices shall think fit so to order, shall be sooner paid.

Imprisonment for a subsequent Offence to commence at Expiration of that for previous Offence.

XXV. And be it enacted, That where a Justice or Justices of the Peace shall upon any such Information or Complaint as aforesaid adjudge the Defendant to be imprisoned, and such Defendant shall then be in Prison undergoing Imprisonment upon a Conviction for any other Offence, the Warrant of Commitment for such subsequent Offence shall in every such Case be forthwith delivered to the Gaoler to whom the same shall be directed; and it shall be lawful for the Justice or Justices issuing the same, if he or they shall think fit, to award and order therein and thereby that the Imprisonment for such subsequent Offence shall commence at the Expiration of the Imprisonment to which such Defendant shall have been previously adjudged or sentenced.

If Information be dismissed Costs may be recovered by Distress upon Prosecutor, &c. who in default may be committed.

XXVI. And be it enacted, That where any Information or Complaint shall be dismissed with Costs as aforesaid, the Sum which shall be awarded for Costs in the Order for Dismissal may be levied by Distress (Q. 1.) on the Goods and Chattels of the Prosecutor or Complainant in manner aforesaid; and in default of Distress or Payment such Prosecutor or Complainant may be committed (Q. 2.) to the House of Correction or Common Gaol in manner aforesaid, for any Time not exceeding One Calendar Month, unless such Sum, and all Costs and Charges of the Distress, and of the Commitment and conveying of such Prosecutor or Complainant to Prison, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

After Appeal against Conviction or Order Justice may issue Warrants of Distress for Execution of the same.

Costs of Appeal, how recovered.

XXVII. And be it enacted, That after an Appeal against any such Conviction or Order as aforesaid shall be decided, if the same shall be decided in favour of the Respondents, the Justice or Justices who made such Conviction or Order, or any other Justice of the Peace of the same County, Division, Liberty, City, Borough, or Place, may issue such Warrant of Distress or Commitment as aforesaid for Execution of the same, as if no such Appeal had been brought; and if upon any such Appeal, the Court of Quarter Sessions shall order either Party to pay Costs, such Order shall direct such Costs to be paid to the Clerk of the Peace of such Court, to be by him paid over to the Party entitled to the same, and shall state within what Time such Costs shall be paid; and if the same shall not be paid within the Time so limited, and the Party ordered to pay the same shall not be bound by any Recognizance conditioned to pay such

such Costs, such Clerk of the Peace or his Deputy, upon Application of the Party entitled to such Costs, or of any Person on his Behalf, and on Payment of a Fee of One Shilling, shall grant to the Party so applying a Certificate (R.) that such Costs have not been paid; and upon Production of such Certificate to any Justice or Justices of the Peace for the same County, Division, Liberty, City, Borough, or Place, it shall be lawful for him or them to enforce the Payment of such Costs by Warrant of Distress (S. 1.) in manner aforesaid, and in default of Distress he or they may commit (S. 2.) the Party against whom such Warrant shall have issued in manner herein-before mentioned for any Time not exceeding Three Calendar Months, unless the Amount of such Costs, and all Costs and Charges of the Distress, and also the Costs of the Commitment and conveying of the said Party to Prison, if such Justice or Justices shall think fit so to order, (the Amount thereof being ascertained and stated in such Commitment,) shall be sooner paid.

On Payment of Penalty, &c. Distress not to be levied, or the Party, if imprisoned for Nonpayment, shall be discharged.

XXVIII. And be it enacted, That in all Cases where any Person against whom a Warrant of Distress shall issue as aforesaid shall pay or tender to the Constable having the Execution of the same the Sum or Sums in such Warrant mentioned, together with the Amount of the Expenses of such Distress up to the Time of such Payment or Tender, such Constable shall cease to execute the same; and in all Cases in which any Person shall be imprisoned as aforesaid for Nonpayment of any Penalty or other Sum he may pay or cause to be paid to the Keeper of the Prison in which he shall be so imprisoned the Sum in the Warrant of Commitment mentioned, together with the Amount of the Costs, Charges, and Expenses (if any) therein also mentioned, and the said Keeper shall receive the same, and shall thereupon discharge such Person, if he be in his Custody for no other Matter.

In Cases of summary Proceedings One Justice may issue Summons or Warrant, &c. and after Conviction or Order may issue Warrant of Distress, &c.

XXIX. And be it enacted, That in all Cases of summary Proceedings before a Justice or Justices of the Peace out of Sessions upon any Information or Complaint as aforesaid it shall be lawful for One Justice to receive such Information or Complaint, and to grant a Summons or Warrant thereon, and to issue his Summons or Warrant to compel the Attendance of any Witnesses, and to do all other necessary Acts and Matters preliminary to the Hearing, even in Cases where by the Statute in that Behalf such Information or Complaint must be heard and determined by Two or more Justices; and after the Case shall have been so heard and determined One Justice may issue all Warrants of Distress or Commitment thereon; and it shall not be necessary that the Justice who so acts before or after such Hearing shall be the Justice or One of the Justices by whom the said Case

Case shall be heard and determined: Provided always, that in all Cases where by Statute it is or shall be required that any such Information or Complaint shall be heard and determined by Two or more Justices, or that a Conviction or Order shall be made by Two or more Justices, such Justices must be present and acting together during the whole of the Hearing and Determination of the Case.

Regulations as to the Payment of Clerks Fees.

XXX. And be it enacted, That it shall be lawful for any Clerk of the Peace, or Clerk of the Petty Sessions, to demand and receive such Fees as they are now by any Act of Parliament authorized to demand and receive: Provided always, that Clerks of the Petty Sessions shall be authorized to receive the same Fee upon a summary Order as is now payable on a Conviction, save in Cases of Orders of Dismissal and Orders for the Recovery of Wages under the Statutes in that Behalf, in which Cases a Fee of Sixpence only shall be payable on each such Order; and such Fees shall be subject to like Provisions as other Fees received by Clerks of Petty Sessions.

Fines and Penalties to be levied subject to Provisions of 6 & 7 Vict. c. 56., 7 & 8 G. 4. c. 67., and 6 & 7 W. 4. c. 34.;

other Sums to be levied as before the passing of this Act.

XXXI. And be it enacted, That all Fines or Penalties imposed by any Justice or Justices as aforesaid shall be levied, paid, and applied under and subject to the Provisions of an Act of the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the better Collection of Fines, Penalties, Issues, Deodands, Amerciaments, and forfeited Recognizances in* Ireland, *and for the Appropriation thereof*, and subject to the Provisions now in force of the herein-after mentioned Acts of the Seventh and Eighth Years of the Reign of King *George* the Fourth, and of the Sixth and Seventh Years of the Reign of King *William* the Fourth, relating to Petty Sessions in *Ireland;* and all other Sums of Money ordered to be paid under an Order of a Justice or Justices shall be levied, paid, and applied in like Manner as the same might be lawfully levied, paid, and applied immediately before the passing of this Act.

Forms in the Schedule deemed valid.

XXXII. And be it enacted, That the several Forms in the Schedule to this Act contained, or Forms to the like Effect, shall be deemed good, valid, and sufficient in Law.

Nothing to affect Powers, &c. contained in 48 G. 3. c. 140., 6 & 7 W. 4. c. 29., 2 & 3 Vict. c. 78., and 5 & 6 Vict. c. 24.

XXXIII. And be it enacted, That nothing in this Act contained shall alter or affect in any Manner whatsoever any of the Powers, Provisions, or Enactments contained in an Act passed in the Forty-eighth Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Administration of the Office of a Justice of the Peace, and for the more effectual Prevention of Felonies, within the District of* Dublin *Metropolis*, or any Act or Acts amending the

the same, or an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for improving the Police in the District of* Dublin *Metropolis*, or an Act of the Second and Third Years of the Reign of Her present Majesty, intituled *An Act to make further Provisions relating to the Police in the District of* Dublin *Metropolis*, or an Act of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for improving the* Dublin *Police*, or any Act or Acts amending the same or either of them.

To what this Act shall not extend.

XXXIV. And be it enacted, That nothing in this Act shall extend or be construed to extend to any Complaints or Orders made with respect to Lunatics, or any Information or Complaint or other Proceeding under or by virtue of any of the Statutes relating to Her Majesty's Revenue of Excise or Customs, Stamps, Taxes, or Post Office; nor shall anything in this Act extend to any Proceedings under the Acts of Parliament regulating or otherwise relating to the Labour of Children and young Persons in Mills or Factories.

After Commencement of this Act the following Statutes and Parts of Statutes repealed:

2 G. 1. c. 20. s. 3.

3 G. 4 c. 23.

5 G. 4. c. 18.

6 & 7 W. 4. c. 114. s. 2.

XXXV. And be it enacted, That the following Statutes and Parts of Statutes, so far as the same relate to *Ireland*, shall, from and after the Day on which this Act shall commence and take effect, be and the same are hereby repealed; (that is to say,) so much of an Act of Parliament passed in the Parliament of *Ireland* in the Second Year of the Reign of King *George* the First, intituled *An Act to limit the Time for Criminal Prosecutions for Words spoken*, as relates to the Time limited for exhibiting an Information for a Forfeiture upon any Penal Statute; and an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to facilitate summary Proceedings before Justices of the Peace and others;* and another Act made in the Fifth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for the more effectual Recovery of Penalties before Justices and Magistrates on Conviction of Offenders, and for facilitating the Execution of Warrants by Constables;* and so much of another Act made in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for enabling Persons indicted for Felony to make their Defence by Counsel or Attorney*, as relates to the Right of Persons accused, in Cases of Summary Convictions, to make their Defence, and to have all Witnesses examined and cross-examined, by Counsel or Attorney; and all other Act or Acts or Parts of Acts which are inconsistent with the Provisions of this Act save and except so much of the said several Acts as repeal any other Acts or Parts of Acts, and also except as to Proceedings now pending to which the same or any of them are applicable.



XXXVI. And

XXXVI. And be it enacted, That this Act shall extend and be construed to extend to *Ireland* only, save and except the several Provisions respecting the backing of Warrants contained in an Act of Parliament passed in this present Session, intituled *An Act to facilitate the Performance of the Duties of Justices out of Quarter Sessions in* Ireland, *with respect to Persons charged with Indictable Offences*, and incorporated into this Act, as aforesaid.

Act to extend to Ireland only, except as to backing of Warrants under 12 & 13 Vict. c. 69.

XXXVII. And be it enacted, That nothing in this Act contained shall be deemed to alter or affect the Provisions of an Act of the Seventh and Eighth Years of the Reign of King *George* the Fourth, intituled *An Act for the better Administration of Justice at the holding of Petty Sessions by Justices of the Peace in* Ireland, or an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth amending the same, or any Act for amending the said Acts, or either of them.

Act not to affect or alter the Provisions of 7 & 8 G. 4. c. 67. and 6 & 7 W. 4. c. 34.

XXXVIII. And be it enacted, That in the Interpretation of this Act, save where there is anything in the Subject or Context repugnant to such Construction, the Word "County" shall be deemed to include "County of a City" or "County of a Town," Words denoting the Masculine Gender shall include Females as well as Males, and Words denoting the Singular Number shall include Two or more Persons or Things as well as One Person or Thing.

Interpretation Clause.

XXXIX. And be it enacted, That this Act shall commence and take effect from the Second Day of *October* in the Year of our Lord One thousand eight hundred and forty-nine.

Commencement of Act.

XL. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

SCHE-

## SCHEDULE to which the foregoing Act refers.

### (A.)

*Summons to the Defendant upon an Information or Complaint.*

To *A.B.* of [*Labourer.*]

WHEREAS Information hath this Day been laid [*or* Complaint hath this Day been made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that you [*here state shortly the Matter of the Information or Complaint*]: These are therefore to command you, in Her Majesty's Name, to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as may then be there, to answer to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under my Hand, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.*

### (B.)

*Warrant where the Summons is disobeyed.*

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of .

WHEREAS on last past Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that *A.B.* [*&c., as in the Summons*]: And whereas [*I*] then issued [*my*] Summons unto the said *A.B.*, commanding him, in Her Majesty's Name, to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as might then be there, to answer to the said Information [*or* Complaint], and to be further dealt with according to Law: And whereas the said *A.B.* hath neglected to be or appear at the Time and Place so appointed in and by the said Summons, although it hath now been proved to [*me*] upon Oath that the said Summons

Summons hath been duly served upon the said *A.B.*: These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before some One or more of Her Majesty's Justices of the Peace in and for the said [*County*], to answer to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(C.)

*Warrant in the first instance.*

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS Information hath this Day been laid before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that *A.B.* [*here state shortly the Matter of the Information*]; and Oath being now made before [*me*] substantiating the Matter of such Information, These are therefore to command you, in Her Majesty's Name, forthwith to apprehend the said *A.B.*, and to bring him before some One or more of Her Majesty's Justices of the Peace in and for the said [*County*], to answer to the said Information, and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(D.)

*Warrant of Committal for safe Custody during an Adjournment of the Hearing.*

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at

WHEREAS on last past Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]: And whereas the Hearing of the same is adjourned to the Day of instant at o'Clock in the Forenoon at and it is necessary that the said *A.B.* should in the meantime be kept in safe Custody: These

These are therefore to command you the said Constables, in Her Majesty's Name, forthwith to convey the said *A.B.* to the [*House of Correction*] at , and there deliver him into the Custody of the Keeper thereof, together with this Precept; and [*I*] hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said [*House of Correction*], and there safely keep him until the Day of instant, when you are hereby required to convey and have him the said *A.B.*, at the Time and Place to which the said Hearing is so adjourned as aforesaid, before such Justices of the Peace for the said [*County*] as may then be there, to answer further to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J.S.* (L.S.)

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(E.)

*Recognizance for the Appearance of the Defendant where the Case is adjourned, or not at once proceeded with.*

Be it remembered, That on *A.B.* of [*Labourer*], and *L.M.* of [*Grocer*], personally came before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several Sums following; (that is to say,) the said *A.B.* the Sum of and the said *L.M.* the Sum of of good and lawful Money of Great Britain, to be made and levied of their several Goods and Chattels, Lands and Tenements respectively, to the Use of our said Lady the Queen, Her Heirs and Successors, if he the said *A.B.* shall fail in the Condition endorsed.

Taken and acknowledged, the Day and Year first above mentioned, at before me, *J.S.*

The Condition of the within-written Recognizance is such, that if the said *A.B.* shall personally appear on the Day of instant at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as may then be there, to answer further to the Information [*or* Complaint] of *C.D.* exhibited against the said *A.B.*, and to be further dealt with according to Law, then the said Recognizance to be void, or else to stand in full force and virtue.

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*Notice*

*Notice of such Recognizance to be given to the Defendant and his Surety.*

TAKE notice, That you *A.B.* are bound in the Sum of and you *L.M.* in the Sum of that you *A.B.* appear personally on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as shall then be there, to answer further to a certain Information [*or* Complaint] of *C.D.*, the further Hearing of which was adjourned to the said Time and Place, and unless you appear accordingly the Recognizance entered into by you *A.B.*, and by *L.M.* as your Surety, will forthwith be levied on you and him.

Dated this Day of 184 .

*J.S.*

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(F.)

*Certificate of Nonappearance to be endorsed on the Defendant's Recognizance.*

I HEREBY certify, That the said *A.B.* hath not appeared at the Time and Place in the said Condition mentioned, but therein hath made default, by reason whereof the within-written Recognizance is forfeited.

*J.S.*

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(G. 1.)

*Summons of a Witness.*

To *E.F.* of in the said [*County*] of

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it hath been made to appear to me upon [*Oath*] that you are likely to give material Evidence on behalf of the [Prosecutor, *or* Complainant, *or* Defendant] in this Behalf: These are therefore to require you to be and appear on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as may then be there, to testify what you shall know concerning the Matter of the said Information [*or* Complaint].

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(G. 2.)

*Warrant where a Witness has not obeyed a Summons.*

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it having been made to appear to me upon Oath that *E.F.* of in the said [*County, Labourer*], was likely to give material Evidence on behalf of the [*Prosecutor*], I did duly issue my Summons to the said *E.F.*, requiring him to be and appear on at o'Clock in the Forenoon of the same Day at before such Justices of the Peace for the said [*County*] as might then be there, to testify what he should know concerning the said *A.B.*, or the Matter of the said Information [*or* Complaint]: And whereas Proof hath this Day been made before [*me*] upon Oath of such Summons having been duly served upon the said *E.F.*, and of a reasonable Sum having been paid [*or* tendered] to him for his Costs and Expenses in that Behalf: And whereas the said *E.F.* hath neglected to appear at the Time and Place appointed by the said Summons, and no just Excuse hath been offered for such Neglect: These are therefore to command you to take the said *E.F.*, and to bring and have him on at o'Clock in the Forenoon at before such Justices of the Peace for the said [*County*] as may then be there, to testify what he shall know concerning the Matter of the said Information [*or* Complaint].

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(G. 3.)

*Warrant for a Witness in the first instance.*

To the Constables of or any of them, and to all other Peace Officers in the [*County*] of

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and it being made to appear before me upon Oath that *E.F.* of [*Labourer*] is likely to give material Evidence on behalf of the [*Prosecutor*] in this Matter, and it is probable that the said

said *E.F.* will not attend to give Evidence without being compelled so to do, These are therefore to command you to bring and have the said *E.F.* before me on at o'Clock in the Forenoon at or before such other Justices of the Peace for the said County as may then be there, to testify what he shall know concerning the Matter of the said Information [*or* Complaint].

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(G. 4.)

*Commitment of a Witness for refusing to be sworn or to give Evidence.*

To the Constables of or any of them, in the said [*County*] of and to the Keeper of the [*House of Correction*] at

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons*]; and one *E.F.* now appearing before me such Justice as aforesaid on at and being required by me to make Oath or Affirmation as a Witness in that Behalf, hath now refused so to do [*or* being now here duly sworn as a Witness in the Matter of the said Information or Complaint doth refuse to answer certain Questions concerning the Premises which are now here put to him], without offering any just Excuse for such his Refusal: These are therefore to command you the said Constable to take the said *E.F.*, and him safely convey to the [*House of Correction*] at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *E.F.* into your Custody in the said [*House of Correction*], and there imprison him for such his Contempt for the Space of Days, unless he shall in the meantime consent to be examined and to answer concerning the Premises; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(H.)

*Warrant to remand a Defendant when apprehended.*

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at

WHEREAS Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of , for that [*&c., as in the Summons or Warrant*]: And whereas the said *A.B.* hath been apprehended under and by virtue of a Warrant upon such Information [*or* Complaint], and is now brought before me as such Justice as aforesaid: These are therefore to command you the said Constables, in Her Majesty's Name, forthwith to convey the said *A.B.* to the [*House of Correction*] at and there to deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper to receive the said *A.B.* into your Custody in the said [*House of Correction*], and there safely keep him until next the Day of instant, when you are hereby commanded to convey and have him at at o'Clock in the Forenoon of the same Day, before such Justices of the Peace of the said [*County*] as may then be there, to answer to the said Information [*or* Complaint], and to be further dealt with according to Law.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(I. 1.)

*Conviction for a Penalty to be levied by Distress, and in default of sufficient Distress Imprisonment.*

to wit. } BE it remembered, That on the Day of in the Year of our Lord at in the said [*County*], *A.B.* is convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said County, for that [he the said *A.B.*, *&c*, *stating the Offence, and the Time and Place when and where committed*]; and [*I*] adjudge the said *A.B.* for his said Offence to forfeit and pay the Sum of [*stating the Penalty, and also the Compensation, if any,*] to be paid and applied according to Law, and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next] * [*I*] order that the same be levied by Distress and Sale

Sale of the Goods and Chattels of the said *A.B.*, and in default of sufficient Distress* [*I*] adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said County [there to be kept to hard Labour] for the Space of . unless the said several Sums, and all Costs and Charges of the said Distress, [and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*] shall be sooner paid.

Given under [*my*] Hand and Seal, the Day and Year first above mentioned, at in the [*County*] aforesaid.

*J.S.* (L.S.)

* *Or where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks**, say,* "then, inasmuch as it hath now been made to appear to [*me*] [that the issuing of a Warrant of Distress in this behalf would be ruinous to the said *A.B.* and his Family," *or* "that the said *A.B.* hath no Goods or Chattels whereon to levy the said Sums by Distress], [*I*] adjudge," *&c., as above, to the End.*

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(I. 2.)

*Conviction for a Penalty, and in default of Payment Imprisonment.*

} Be it remembered, That on the Day of
to wit. } in the Year of our Lord at in the said [*County*] *A.B.* is convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said County, for that [he the said *A.B. &c., stating the Offence, and the Time and Place when and where it was committed*]; and [*I*] adjudge the said *A.B.* for his said Offence to forfeit and pay the Sum of [*stating the Penalty, and the Compensation, if any*], to be paid and applied according to Law, and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next] [*I*] adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said [*County*], [and there to be kept to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying the said *A.B.* to the said *House of Correction,*] shall be sooner paid.

Given under [*my*] Hand and Seal, the Day and Year first above mentioned, at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(I. 3.)

*Conviction when the Punishment is by Imprisonment, &c.*

to wit. } Be it remembered, That on the Day of in the Year of our Lord in the said [*County*] *A.B.* is convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace for the said County, for that [he the said *A.B.*, *&c.*, *stating the Offence, and the Time and Place when and where committed*]; and [*I*] adjudge the said *A.B.* for his said Offence to be imprisoned in the [*House of Correction*] at in the said [*County*] [and there kept to hard Labour] for the Space of and [*I*] also adjudge the said *A.B.* to pay the said *C.D.* the Sum of for his Costs in this Behalf; and if the said Sum for Costs be not paid forthwith [*or* on or before next] then *[*I*] order that the said Sum be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and in default of sufficient Distress in that Behalf* [*I*] adjudge the said *A.B.* to be imprisoned in the said *House of Correction* [and there kept to hard Labour] for the Space of to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs shall be sooner paid.

Given under [*my*] Hand and Seal, the Day and Year first above mentioned, at in the *County* aforesaid.

*J.S.* (L.S.)

* *Or where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks**, say,* "inasmuch as it hath now been made to appear to [*me*] [that the issuing of a Warrant of Distress in this Behalf would be ruinous to the said *A.B.* and his Family," *or* "that the said *A.B.* hath no Goods or Chattels whereon to levy the said Sum for Costs by Distress], [*I*] adjudge," *&c.*

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(K. 1.)

*Order for Payment of Money to be levied by Distress, and in default of Distress Imprisonment.*

to wit. } Be it remembered, That on Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of , for that [*stating the Facts entitling the Complainant to the Order, with the Time and Place when and where they occurred*]; and now at this Day, to wit, on at the Parties aforesaid

aforesaid appear before [*me*] the said Justice, [*or* the said *C.D.* appears before [*me*] the said Justice, but the said *A.B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to [*me*] on Oath that the said *A.B.* has been duly served with the Summons in this Behalf which required him to be and appear here at this Day before such Justices of the Peace for this said County as should now be here, to answer the said Complaint, and to be further dealt with according to Law]; and now, having heard the Matter of the said Complaint, [*I*] do adjudge the said *A.B.* [to pay to the said *C.D.* the Sum of forthwith, *or* on or before next, *or as the Statute may require*], and also to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next] *[*I*] hereby order that the same be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and in default of sufficient Distress in that Behalf* [*I*] adjudge the said *A.B.* to be imprisoned in the [*House of Correction*] at in the said [*County*], [and there kept to hard Labour] for the Space of unless the said several Sums, and all Costs and Charges of the said Distress [and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*], shall be sooner paid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

* *Or where the issuing of a Distress Warrant would be ruinous to the Defendant or his Family, or it appears that he has no Goods whereon to levy a Distress, then, instead of the Words between the Asterisks**, say,* "then, inasmuch as it hath now been made to appear to [*me*] [that the issuing of a Warrant of Distress in this Behalf would be ruinous to the said *A.B.* and his Family," *or* "that the said *A.B.* hath no Goods or Chattels whereon to levy the said Sums by Distress], [*I*] adjudge," *&c.*

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(K. 2.)

*Order for Payment of Money, and in default of Payment Imprisonment.*

to wit. } Be it remembered, That on Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*stating the Facts entitling the Complainant to the Order, with the Time and Place when and where they occurred*]; and now at this Day, to wit, on at the

Parties aforesaid appear before [*me*] the said Justice [*or* the said *C. D.* appears before [*me*] the said Justice, but the said *A. B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to [*me*] on Oath that the said *A. B.* has been duly served with the Summons in this Behalf which required him to be and appear here on this Day before such Justices of the Peace for the said County as should now be here, to answer the said Complaint, and to be further dealt with according to Law]; and now, having heard the Matter of the said Complaint, [*I*] do adjudge the said *A. B.* [to pay to the said *C. D.* the Sum of forthwith, *or* on or before next, *or as the Statute may require*], and also to pay to the said *C. D.* the Sum of for his Costs in this Behalf; and if the said several Sums be not paid forthwith [*or* on or before next], [*I*] adjudge the said *A. B.* to be imprisoned in the [*House of Correction*] at in the said County [there to be kept to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying the said *A. B.* to the said *House of Correction*] shall be sooner paid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J. S.* (L.S.)

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(K. 3.)

*Order for any other Matter where the disobeying of it is punishable with Imprisonment.*

Be it remembered, That on Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*stating the Facts entitling the Complainant to the Order, with the Time and Place when and where they occurred*], and now at this Day, to wit, on at the Parties aforesaid appear before [*me*] the said Justice, [*or* the said *C. D.* appears before [*me*] the said Justice, but the said *A. B.*, although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to [*me*] upon Oath that the said *A. B.* has been duly served with the Summons in this Behalf, which required him to be and appear here at this Day, before such Justices of the Peace for the said County as should now be here, to answer to the said Complaint, and to be further dealt with according to Law,] and now, having heard the Matter of the said Complaint, [*I*] do therefore adjudge the said *A. B.* to [*here state the Matter required to be done*], and

and if upon a Copy of a Minute of this Order being served upon the said *A.B.*, either personally or by leaving the same for him at his last or most usual Place of Abode, he shall neglect or refuse to obey the same, in that Case [*I*] adjudge the said *A.B.* for such his Disobedience to be imprisoned in the [*House of Correction*] at in the said County [there to be kept to hard Labour] for the Space of [unless the said Order be sooner obeyed, *if the Statute authorize this*]; and [*I*] do also adjudge the said *A.B.* to pay to the said *C.D.* the Sum of for his Costs in this Behalf; and if the said Sum for Costs be not paid forthwith [*or* on or before next], [*I*] order the same to be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*, [and in default of sufficient Distress in that Behalf, [*I*] adjudge the said *A.B.* to be imprisoned in the said *House of Correction* [and there kept to hard Labour] for the Space of , to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs shall be sooner paid].

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J. S.* (L.S.)

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(L.)

*Order of Dismissal of an Information or Complaint.*

} Be it remembered, That on Information was
to wit. } laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Summons to the Defendant*], and now at this Day, to wit, on at both the said Parties appear before [*me*] in order that [*I*] should hear and determine the said Information [*or* Complaint], [*or* the said *A.B.* appeareth before [*me*], but the said *C.D*, although duly called, doth not appear]; whereupon the Matter of the said Information [*or* Complaint] being by [*me*] duly considered, [it manifestly appears to [*me*] that the said Information [*or* Complaint] is not proved, and*] [*I*] do therefore dismiss the same, [and do adjudge that the said *C.D.* do pay to the said *A.B.* the Sum of for his Costs incurred by him in his Defence in this Behalf; and if the said Sum for Costs be not paid forthwith [*or* on or before ], [*I*] order that the same be levied by Distress and Sale of the Goods and Chattels of the said *C.D.*, and in default of sufficient Distress in that Behalf [*I*] adjudge the said *C.D.* to be imprisoned in the [*House of Correction*] at in the said County [and

[and there kept to hard Labour] for the Space of unless the said Sum for Costs, and all Costs and Charges of the said Distress [and of the Commitment and conveying of the said *C.D.* to the said *House of Correction*], shall be sooner paid.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

* *If the Informant or Complainant do not appear these Words may be omitted.*

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(M.)

*Certificate of Dismissal.*

I HEREBY certify, That an Information [*or* Complaint] preferred by *C.D.* against *A.B.*, for that [*&c. as in the Summons*], was this Day considered by *me*, [*One*] of Her Majesty's Justices of the Peace in and for the [*County*] of and was by [*me*] dismissed [with Costs].

Dated this Day of 184 .

*J.S.*

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(N. 1.)

*Warrant of Distress upon a Conviction for a Penalty.*

To the Constables of and to all other Peace Officers in the said [*County*] of

WHEREAS *A.B.*, late of [*Labourer*], was on this Day [*or* on last past] duly convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*stating the Offence as in the Conviction*], and it was thereby adjudged that the said *A.B.* should for such his Offence forfeit and pay [*&c., as in the Conviction*], and should also pay to the said *C.D.* the Sum of for his Costs in that Behalf; and it was thereby ordered that if the said several Sums should not be paid [*forthwith*] the same should be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and it was thereby also adjudged that in default of sufficient Distress the said *A.B.* should be imprisoned in the [*House of Correction*] at in the said County [and there kept to hard Labour] for the Space of unless the said several Sums, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *A.B.* to the said [*House*

*of Correction*], should be sooner paid*: And whereas the said *A.B.* being so convicted as aforesaid, and being [*now*] required to pay the said Sums of and hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*; and if within the Space of Days next after the making of such Distress the said Sums, together with the reasonable Charges of taking and keeping the Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising by such Sale unto in the said [*County*] that he may pay and apply the same as by Law is directed, and may render the Overplus, if any, on Demand, to the said *A.B.*; and if no such Distress can be found, then that you certify the same unto [*me*], to the end that such further Proceedings may be had thereon as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(N. 2.)

*Warrant of Distress upon an Order for the Payment of Money.*

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS on last past a Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c., as in the Order*], and afterwards, to wit, on at the said Parties appeared before [*me*] [*or as in the Order*], and thereupon having considered the Matter of the said Complaint, [*I*] adjudged the said *A.B.* to [pay to the said *C.D.* the Sum of on or before the then next], and also to pay to the said *C.D.* the Sum of for his Costs in that Behalf; and [*I*] thereby ordered that if the said several Sums should not be paid on or before the said then next, the same should be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; and it was adjudged that in default of sufficient Distress in that Behalf, the said *A.B.* should be imprisoned in the [*House of Correction*] at

in the said County [and there kept to hard Labour] for the Space of unless the said several Sums, and all Costs and Charges of the Distress, [and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*,] should be sooner paid *: And whereas the Time in and by the said Order appointed for the Payment of the said several Sums of and hath elapsed, but the said *C.D.* hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A.B.*; and if within the Space of Days after the making of such Distress the said last-mentioned Sums, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale unto in the said [*County*] that he may pay and apply the same as by Law directed, and may render the Overplus, if any, on Demand, to the said *A.B.*; and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(N. 3.)

*Endorsement in backing a Warrant of Distress.*

to wit: WHEREAS Proof upon Oath hath this Day been made before [*me*] [*One*] of Her Majesty's Justices of the Peace in and for the said County of that the Name of *J.S.* to the within Warrant subscribed is of the Handwriting of the Justice of the Peace within mentioned: [*I*] do therefore authorize *W.T.*, who bringeth to me this Warrant, and all other Persons to whom this Warrant was originally directed, or by whom the same may be lawfully executed, and also all Constables and other Peace Officers of the said [*County*] of to execute the same within the said County of

Given under [*my*] Hand, this Day of 184

*J.B.*

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*Summary Convictions (Ireland).*

(N. 4.)

*Constable's Return to a Warrant of Distress.*

I, *W.T.*, Constable of in the [*County*] of do hereby certify to *J.S.*, Esquire, One of Her Majesty's Justices of the Peace for the said County, that by virtue of this Warrant I have made diligent Search for the Goods and Chattels of the within-mentioned *A.B.*, and that I can find no sufficient Goods or Chattels of the said *A.B.* whereon to levy the Sums within mentioned.

Witness my Hand, this Day of 184 .

*W.T.*

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(N. 5.)

*Warrant of Commitment for Want of Distress.*

To the Constables of or any of them, and to the Keeper of the [*Gaol*] at in the said [*County*] of

WHEREAS [*&c., as in either of the foregoing Distress Warrants,* N. 1, 2, *to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, [*I*] the said Justice issued a Warrant to the Constables of or any of them, commanding him or them to levy the said Sums of and by Distress and Sale of the Goods and Chattels of the said *A.B.*: And whereas it appears to [*me*], as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said *A.B.*, but that no sufficient Distress whereon to levy the Sums above mentioned could be found: These are therefore to command you the said Constables of or any of you, to take the said *A.B.*, and him safely to convey to the [*Gaol*] at aforesaid, and there deliver him to the said Keeper, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*Gaol*] to receive the said *A.B.* into your Custody in the said [*Gaol*] there to imprison him [and keep him to hard Labour] for the Space of unless the said several Sums, and all the Costs and Charges of the said Distress [and of the Commitment and conveying of the said *A.B.* to the said *Gaol*] amounting to the further Sum of shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L. S.)

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(O. 1.)

*Warrant of Commitment upon a Conviction for a Penalty in the first instance.*

To the Constables of or any of them, and to the Keeper of the [*Gaol*] at in the said [*County*] of

WHEREAS *A.B.*, late of [*Labourer*], was on this Day duly convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], for that [*stating the Offence as in the Conviction*]; and it was thereby adjudged that the said *A.B.* for his said Offence should forfeit and pay the Sum of [*&c., as in the Conviction*], and should pay to the said *C.D.* the Sum of for his Costs in that Behalf; and it was thereby further adjudged that if the said several Sums should not be paid [*forthwith*], the said *A.B.* should be imprisoned in the [*Gaol*] at in the said [*County*] [and there kept to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying the said *A.B.* to the said *Gaol*] should be sooner paid: And whereas the Time in and by the said Conviction appointed for the Payment of the said several Sums hath elapsed, but the said *A.B.* hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you the said Constable of to take the said *A.B.*, and him safely to convey to the [*Gaol*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*Gaol*] to receive the said *A.B.* into your Custody in the said [*Gaol*], there to imprison him [and keep him to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying him to the said [*Gaol*] amounting to the further Sum of ] shall be sooner paid; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(O. 2.)

*Warrant of Commitment on an Order in the first instance.*

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS on last past Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and



for

for the said *County* of for that [*&c., as in the Order*], and afterwards, to wit, on at the Parties appeared before [*me*] the said Justice [*or as it may be in the Order*], and thereupon having considered the Matter of the said Complaint [*I*] adjudged the said *A.B.* to pay to the said *C.D.* the Sum of on or before the Day of then next, and also to pay to the said *C.D.* the Sum of for his Costs in that Behalf; and [*I*] also thereby adjudged, that if the said several Sums should not be paid on or before the Day of then next, the said *A.B.* should be imprisoned in the [*House of Correction*] at in the said [*County*] [and there kept to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying the said *A.B.* to the said *House of Correction*] should be sooner paid: And whereas the Time in and by the said Order appointed for the Payment of the said several Sums of Money hath elapsed, but the said *A.B.* hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you the said Constables of or any of you, to take the said *A.B.*, and him safely convey to the said *House of Correction* at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of unless the said several Sums [and the Costs and Charges of conveying him to the said [*House of Correction*], amounting to the further Sum of ,] shall be sooner paid unto you the said Keeper; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J. S.* (L.S.)

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(P. 1.)

*Warrant of Commitment on a Conviction where the Punishment is by Imprisonment.*

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS *A.B.*, late of [*Labourer*], was this Day duly convicted before the undersigned, [*One*] of Her Majesty's

Justices of the Peace in and for the said [*County*] of for that [*stating the Offence as in the Conviction*]; and it was thereby adjudged that the said *A.B.* for his said Offence should be imprisoned in the [*House of Correction*] at in the said *County* [and there kept to hard Labour] for the Space of : These are therefore to command you the said Constables of or any of you, to take the said *A.B.*, and him safely convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of ; and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J. S.* (L.S.)

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(P. 2.)

*Warrant of Commitment on an Order where the disobeying of it is punishable by Imprisonment.*

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS on last past Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said County of for that [*&c., as in the Order*], and afterwards, to wit, on at the said Parties appeared before [*me*], [*or as it may be in the Order*], and thereupon having considered the Matter of the said Complaint [*I*] adjudged the said *A.B.* to [*&c., as in the Order*], and that if, upon a Copy of the Minute of that Order being duly served upon the said *A.B.*, either personally or by leaving the same for him at his last or most usual Place of Abode, he should neglect or refuse to obey the same, it was adjudged that in such Case the said *A.B.* for such his Disobedience should be imprisoned in the [*House of Correction*] at in the said *County* [and there kept to hard Labour] for the Space of [unless the said Order should be sooner obeyed]: And whereas it is now proved to [*me*] that after the making of the said Order a Copy of the Minute thereof was duly served upon the said *A.B.*, but he then refused [*or* neglected] to obey the same, and hath

not as yet obeyed the said Order: These are therefore to command you, the said Constables of or any of you, to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and [*I*] do hereby command you, the said Keeper of the said [*House of Correction*], to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of and for so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J. S.* (L S.)

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(P. 3.)

*Warrant of Distress for Costs upon a Conviction where the Offence is punishable by Imprisonment.*

To the Constables of. or any of them, and to all other Peace Officers in the said [*County*] of .

WHEREAS *A.B.* of *Labourer*, was on last past duly convicted before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], for that [*stating the Offence, as in the Conviction*], and it was thereby adjudged that the said *A.B.* for his said Offence should be imprisoned in the [*House of Correction*] at in the said [*County*] [and there kept to hard Labour] for the Space of ; and it was also thereby adjudged that the said *A.B.* should pay to the said *C.D.* the Sum of for his Costs in that Behalf; and it was thereby ordered that if the said Sum of for Costs should not be paid [*forthwith*] the same should be levied by Distress and Sale of the Goods and Chattels of the said *A.B.*; [and it was adjudged that in default of sufficient Distress in that Behalf the said *A.B.* should be imprisoned in the said [*House of Correction*] [and there kept to hard Labour] for the Space of to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *A.B.* to the said [*House of Correction*], should be sooner paid]: (*) And whereas the said *A.B.*, being so convicted as aforesaid, and being required to pay the said Sum of for Costs, hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the

the Goods and Chattels of the said *A.B.*, and if within the Space of Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to in the said [*County*], that he may pay the same as by Law directed, and may render the Surplus (if any), on Demand, to the said *A.B.*, and if no such Distress can be found, then that you certify the same unto [*me*], to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(P. 4.)

*Warrant of Distress for Costs upon an Order where the disobeying of the Order is punishable with Imprisonment.*

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of .

WHEREAS on last past Complaint was made before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*] of for that [*&c., as in the Order*], and afterwards, to wit, on at , the said Parties appeared before [*me*], as such Justice as aforesaid [*or as it may be in the Order*], and thereupon, having considered the Matter of the said Complaint, [*I*] adjudged the said *A.B.* to [*&c., as in the Order*]; and that if upon a Copy of the Minute of that Order being served upon the said *A.B.*, either personally or by leaving the same for him at his last or most usual Abode, he should neglect or refuse to obey the same, [*I*] adjudged that in such Case the said *A.B.* for such his Disobedience hould be imprisoned in the [*House of Correction*] at in the said [*County*] [and there kept to hard Labour] for the Space of [unless the said Order should be sooner obeyed]; and [*I*] thereby also adjudged the said *A.B.* to pay to the said *C.D.* the Sum of for his Costs in that Behalf; and [*I*] ordered that if the said Sum for Costs should not be paid [*forthwith*] the same should be levied of the Goods and Chattels of the said *A.B.*; [and in default of sufficient Distress in that Behalf [*I*] thereby adjudged that the said *A.B.* should be imprisoned in the said

said [*House of Correction*] [and there kept to hard Labour] for the Space of , to commence at and from the Termination of his Imprisonment aforesaid, unless the said Sum for Costs, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *A. B.* to the said [*House of Correction*], should be sooner paid]: (*) And whereas after the making of the said Order a Copy of the Minute thereof was duly served upon the said *A. B.*, but the said *A. B.* did not then pay, nor hath he paid, the said Sum of for Costs or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *A. B.*, and if within the Space of Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to in the said [*County*], that he may pay the same as by Law directed, and may render the Overplus, if any, on Demand, to the said *A. B.*, and if no such Distress can be found, then that you certify the same unto me, to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under my Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J. S.* (L.S.)

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(P. 5.)

*Warrant of Commitment for Want of Distress in either of the last Two Cases.*

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS [*&c., as in the last Two Forms respectively, to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, [*I*] the said *J. S.* issued a Warrant to the Constables of or any of them, commanding him or them to levy the said Sum of for Costs, by Distress and Sale of the Goods and Chattels of the said *A. B.*: And whereas it appears to [*me*], as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said *A. B.*, but that no sufficient Distress whereon to levy the Sum

Sum above mentioned could be found: These are therefore to command you the said Constables of or any of you, to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there deliver him to the Keeper thereof, together with this Precept: And [*I*] do hereby command you, the said Keeper of the said [*House of Correction*], to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of unless the said Sum, and all Costs and Charges of the said Distress, [and of the Commitment and conveying of the said *A.B.* to the said *House of Correction*,] amounting to the further Sum of shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.S.* (L.S.)

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(Q. 1.)

*Warrant of Distress for Costs upon an Order for Dismissal of an Information or Complaint.*

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS on last past Information was laid [*or* Complaint was made] before the undersigned, [*One*] of Her Majesty's Justices of the Peace in and for the said [*County*], for that [*&c., as in the Order of Dismissal*]; and afterwards, to wit, on at both Parties appearing before [*me*] in order that [*I*] should hear and determine the same, and the several Proofs adduced to [*me*] in that Behalf being by [*me*] duly heard and considered, and it manifestly appearing to [*me*] that the said Information [*or* Complaint] was not proved [*I*] therefore dismissed the same, and adjudged that the said *C.D.* should pay to the said *A.B.* the Sum of for his Costs incurred by him in his Defence in that Behalf; and [*I*] ordered that if the said Sum for Costs should not be paid [*forthwith*] the same should be levied of the Goods and Chattels of the said *C.D.*; [and [*I*] adjudged that in default of sufficient Distress in that Behalf the said *C.D.* should be imprisoned in the *House of Correction* at in the said *County*, and there kept to hard Labour, for the Space of unless the said Sum for Costs, and all Costs and Charges of the said Distress, and of the Commitment and conveying of the said *C.D.* to the said *House of Correction*, should be sooner paid]: (*) And whereas the said *C.D.*, being now required to pay unto the said

said *A.B.* the said Sum for Costs, hath not paid the same or any Part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said *C.D.*; and if, within the Space of Days next after the making of such Distress, the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to in the said [*County*], that he may pay and apply the same as by Law directed, and may render the Overplus (if any), on Demand, to the said *C.D.*, and if no such Distress can be found, then that you certify the same unto [*me*], to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid. *J. S.* (L.S.)

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(Q. 2.)

*Warrant of Commitment for Want of Distress in the last Case.*

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of .

WHEREAS [*&c., as in the last Form to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, [*I*] the said Justice issued a Warrant to the Constables of or any of them, commanding him or them to levy the said Sum of for Costs by Distress and Sale of the Goods and Chattels of the said *C.D.*: And whereas it appears to [*me*] as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said *C.D.*, but that no sufficient Distress whereon to levy the Sum above mentioned could be found: These are therefore to command you the said Constables of or any of you, to take the said *C.D.*, and him safely convey to the [*House of Correction*] at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *C.D.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of unless the said Sum, and all Costs and Charges of the said Distress, [and of the Commitment

Commitment and conveying of the said *C. D.* to the said *House of Correction*,] amounting to the further Sum of shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J. S.* (L.S.)

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(R.)

*Certificate of Clerk of the Peace that the Costs of an Appeal are not paid.*

Office of the Clerk of the Peace for the [*County*] of
(*Title of the Appeal.*)

I HEREBY certify that at a Court of General Quarter Sessions of the Peace holden at in and for the said [*County*] on last past, an Appeal by *A. B.* against a Conviction [*or* Order] of *J. S.*, Esquire, [*One*] of Her Majesty's Justices of the Peace for the said [*County*], came on to be tried, and was then heard and determined, and the said Court of General Quarter Sessions thereupon ordered that the said Conviction [*or* Order] should be confirmed [*or* quashed], and that the said [*Appellant*] should pay to the said [*Respondent*] the Sum of for his Costs incurred by him in the said Appeal, and which Sum was thereby ordered to be paid to the Clerk of the Peace of the said [*County*] on or before the Day of instant, to be by him handed over to the said [*Respondent*]; and I further certify that the said Sum for Costs has not, nor has any Part thereof, been paid in obedience to the said Order. Dated the Day of *1849.*

*G. H.*
[Deputy] Clerk of the Peace.

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(S. 1.)

*Warrant of Distress for Costs of an Appeal against a Conviction or Order.*

To the Constables of or any of them, and to all other Peace Officers in the said [*County*] of

WHEREAS [*&c., as in the Warrants of Distress*, N. 1, 2, *ante, to the End of the Statement of the Conviction or Order, and then thus*]: And whereas the said *A. B.* appealed to the Court of General Quarter Sessions of the Peace for the said *County* against the said Conviction [*or* Order], in which Appeal the said *A. B.* was the Appellant, and the

the said *C.D.* [*or J.S.*, Esquire, the Justice of the Peace who made the said Conviction, *or* Order] was the Respondent, and which said Appeal came on to be tried, and was heard and determined, at the last General Quarter Sessions of the Peace for the said [*County*] holden at on , and the said Court of General Quarter Sessions thereupon ordered that the said Conviction [*or* Order] should be confirmed [*or* quashed], and that the said [*Appellant*] should pay to the said [*Respondent*] the Sum of for his Costs incurred by him in the said Appeal, which said Sum was to be paid to the Clerk of the Peace of the said [*County*] on or before the Day of *1849*, to be by him handed over to the said [*C D.*]: And whereas the [Deputy] Clerk of the Peace of the said [*County*] hath, on the Day of instant, duly certified that the said Sum for Costs had not then been paid: (*) These are therefore to command you, in Her Majesty's Name, forthwith to make Distress of the Goods and Chattels of the said [*A.B.*], and if within the Space of Days next after the making of such Distress the said last-mentioned Sum, together with the reasonable Charges of taking and keeping the said Distress, shall not be paid, that then you do sell the said Goods and Chattels so by you distrained, and do pay the Money arising from such Sale to in the said [*County*], that he may pay and apply the same as by Law directed, and if no such Distress can be found, then that you certify the same unto [*me*], to the end that such Proceedings may be had therein as to the Law doth appertain.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.N.* (L.S.)

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(S. 2.)

*Warrant of Commitment for Want of Distress in the last Case.*

To the Constables of or any of them, and to the Keeper of the [*House of Correction*] at in the said [*County*] of

WHEREAS [*&c. as in the last Form to the Asterisk* (*), *and then thus*]: And whereas afterwards, on the Day of in the Year aforesaid, [*I*] the undersigned issued a Warrant to the Constables of or any of them, commanding him or them to levy the said Sum of for Costs by Distress and Sale of the

the Goods and Chattels of the said *A.B.*: And whereas it appears to me, as well by the Return of the said Constable to the said Warrant of Distress as otherwise, that the said Constable hath made diligent Search for the Goods and Chattels of the said [*A.B.*], but that no sufficient Distress whereon to levy the Sum above mentioned could be found: These are therefore to command you the said Constables of or any of you to take the said *A.B.*, and him safely to convey to the [*House of Correction*] at aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and [*I*] do hereby command you the said Keeper of the said [*House of Correction*] to receive the said *A.B.* into your Custody in the said [*House of Correction*], there to imprison him [and keep him to hard Labour] for the Space of unless the said Sum, and all Costs and Charges of the said Distress [and of the Commitment and conveying of the said *A. B.* to the said *House of Correction*], amounting to the further Sum of shall be sooner paid unto you the said Keeper, and for your so doing this shall be your sufficient Warrant.

Given under [*my*] Hand and Seal, this Day of in the Year of our Lord at in the [*County*] aforesaid.

*J.N.* (L.S.)

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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S

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

## CAP. LXXI.

### An Act to dissolve Regimental Benefit Societies, and to provide for the Application of the Funds of such Societies, and of Regimental Charitable Funds. [28th *July* 1849.]

WHEREAS Benefit Societies have been formed by and among the Non-commissioned Officers, Trumpeters, Drummers, and Privates of several Regiments of Cavalry and Infantry of the Line, for the Purpose of raising Funds to be applied, under Rules and Regulations established in such Regiments respectively, for the Benefit of the several Parties subscribing thereto on their Discharge from the Army: And whereas the Majority of the Subscribers to such Societies are desirous that such Societies should be now dissolved, and that the Funds should be divided and distributed between the several Persons entitled as existing Subscribers to or Pensioners of such Societies to share in the Distribution of such Funds: And whereas it is expedient that the said Societies should no longer be continued, but that the Portion which may be now equitably due to each existing Subscriber should be placed in the Regimental Savings Bank to accumulate for his Benefit: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and

Regimental Benefit Societies to cease, Funds to be paid into the Bank of England.

Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act the said several Societies shall cease to exist, and that the Funds of such Societies shall, by the Order of the Secretary at War, be transferred by the several Trustees or Persons holding the same to the Account of the Paymaster General at the Bank of *England.*

Equitable Distribution of the Funds to be made.

II. And be it enacted, That the Secretary at War and One of the Secretaries to the Treasury to be appointed by the Lords Commissioners of the Treasury for this Purpose, and the Military Secretary to the Commander in Chief for the Time being, shall be Commissioners for the Purpose of making an equitable Distribution of the Funds of the said several Societies between the Persons entitled thereto, either as existing Subscribers to or as existing Pensioners upon such several Funds, and such Commissioners shall have Authority to apply such Part of the said Funds as may be necessary for such Purpose in the Purchase of Annuities for discharged Soldiers entitled to Pensions, or to purchase such Pensions, and to place the Sum to which each existing Subscriber may be declared entitled in the Savings Bank established under the Authority of an Act of the Sixth Year of Her Majesty, intituled *An Act to establish Military Savings Banks*, in the Regiment to which he belongs, to accumulate there for him until his Discharge: Provided always, that no Part of any such Fund shall be awarded by the said Commissioners to any Subscriber who may have been discharged from his Regiment without having been entitled to receive Benefit from the said Fund under the Rules and Regulations governing such Society, or to any Subscriber still serving who, under such Rules and Regulations, has forfeited his prospective Right to any Share of or Payment from such Fund.

5 & 6 Vict. c 71.

Portion of any Soldier may be withdrawn from Savings Bank for his Benefit before his Discharge.

III. And be it enacted, That upon its being proved to the Satisfaction of the Secretary at War, upon the Recommendation of the Commanding Officer of the Regiment, that it will be of Advantage to a Soldier to withdraw his Portion of the said Fund, including any Accumulations thereon, from the Regimental Savings Bank before his Discharge, it shall be lawful for the Secretary at War to sanction such Withdrawal, and such Portion may be withdrawn accordingly.

Regimental charitable Funds to be paid into the Bank of England.

IV. And whereas other Funds have been from Time to Time created for charitable Regimental Purposes by Subscriptions of Officers, unexpended Balances of Canteen Funds, and otherwise, and now exist in several Regiments of Cavalry and Infantry, and are invested in the Names of Officers of such Regiments and others, or are in the Hands of the Agents or Officers of the Regiments: And whereas it is expedient that such Funds should be applied, with the Knowledge

Knowledge and Sanction of the Commander in Chief and Secretary at War, to the Purposes for which they were created, and that the present Trustees should be released from Responsibility: Be it enacted, That the several Funds last aforesaid shall, by the Order of the Secretary at War, be paid by the Trustees or other Persons in possession of the said Funds to the Account of the Paymaster General at the Bank of *England*.

V. And be it enacted, That the Commanding Officer of every Regiment shall furnish to the Secretary at War an Account of every Benefit Society in his Regiment, showing the Amount of the Capital of such Society, the Names of the existing Subscribers to the Society, and of Pensioners, if any, upon such Society, and the Names of the Trustees or other Persons in the Possession of the Funds of such Society, and also an Account of the Amount of any charitable or other Fund belonging to the Regiment, with the Names of the Trustees or other Persons in possession of such Fund; and the Trustees or Persons possessing the Funds of such Benefit Societies or charitable or other Funds are hereby required, upon the Order of the Secretary at War, to pay the Sums in their Possession into the Bank of *England* to the Account of the Paymaster General, and the Cashier of the Bank of *England* is hereby authorized to receive all such Monies as may be paid into the Bank of *England* under the Authority of this Act and the Order of the Secretary at War, and the Receipt of such Cashier shall be a full and sufficient Discharge to the several Trustees or Persons paying such Monies into the Bank of *England*.

Commanding Officers to furnish Accounts of Benefit Societies and charitable Funds of their Regiments.

Trustees to pay the Funds into the Bank of England.

VI. And be it enacted, That the Money so placed to the Account of the Paymaster General shall be forthwith transferred by the Warrant of the Secretary at War from the Account of the Paymaster General to the separate Account raised in the Names of the Commissioners for the Reduction of the National Debt in the Books of the Governor and Company of the Bank of *England*, and denominated the Fund for Military Savings Banks, and the Money so transferred shall be held by the said Commissioners, subject to the Provisions of the Act passed in the Ninth Year of the Reign of Her present Majesty, intituled *An Act to amend the Act to establish Military Savings Banks*.

Monies paid into the Bank to be transferred to the Fund for the Military Savings Banks.

8 & 9 Vict. c. 27.

VII. And be it enacted, That the Secretary at War shall open in the Books of his Office an Account with each Regiment possessing charitable Funds, and shall credit the said Account with the Amount paid into the Bank of *England*, and with Interest thereon, not exceeding the Rate allowed by the said Act of the Sixth Year of Her Majesty

Separate Account to be kept by the Secretary at War of charitable Fund of each Regiment.

Majesty for other Monies deposited in the Fund for Military Savings Banks, and shall from Time to Time authorize such Issues as may be necessary to enable the Commanding Officer of the Regiment to make such customary Donations as may be deemed expedient to discharged Soldiers of long or good Service, or to the Widows, Wives, and Children of Soldiers.

**Commanding Officer of Regiment to account to the Secretary at War as to Disposal of charitable Funds.**

VIII. And be it enacted, That the Commanding Officer of every Regiment possessing or acquiring any such charitable Fund shall furnish to the Secretary at War, at such Times as he shall require the same, a detailed Statement of the Manner in which he has appropriated any Part of the Money placed at his Disposal for charitable Regimental Purposes.

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ANNO DUODECIMO & DECIMO TERTIO

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*England* to the Account of the Commissioners for regulating the Offices of the House of Commons, and are made applicable to the Payment of the Salaries and Expenses of the said House: And whereas it is expedient that, except as herein-after mentioned, the said Salaries and Expenses should be provided for by annual Votes, and that the Monies from Time to Time paid to the said Account should be carried to the Consolidated Fund: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Provisions of the said recited Acts concerning the Application of the Money paid to the said Account of the Commissioners for regulating the Offices of the House of Commons shall be repealed, and all the Money which shall stand to the Credit of the said Account at the Bank of *England* on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October*, in every Year, shall from Time to Time on the said respective Days, or within Two Days afterwards, and at such other Times as the Speaker of the House of Commons shall direct, be transferred by the Governor and Company of the Bank of *England* to the Account of Her Majesty's Exchequer, and when so transferred shall be carried to and form Part of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*.

Monies arising from Fees of the House of Commons to be carried to the Consolidated Fund.

II. And whereas the Salaries of the Clerk of the House of Commons, the Clerks Assistant, the Serjeant at Arms, the Deputy Serjeant at Arms, and the Speaker's Secretary, have by the said recited Acts been made the first Charge upon the Money paid to the Account of the said Commissioners, and by this Act directed to be carried to the Consolidated Fund: Be it enacted, That the Salaries of the Clerk of the House of Commons, the Clerk Assistant, the Second Clerk Assistant, the Serjeant at Arms, the Deputy Serjeant at Arms, and the Speaker's Secretary, shall be charged upon and shall be paid to the Persons now holding such respective Offices, while they continue to hold the same, out of the said Consolidated Fund, by equal quarterly Payments, on the Fifth Day of *January*, the Fifth Day of *April*, the Fifth Day of *July*, and the Tenth Day of *October* in every Year; and the Commissioners of Her Majesty's Treasury of the said United Kingdom are hereby authorized and required, by any Warrant under their Hands, to direct the Payment of the said Salaries out of the said Consolidated Fund.

Salaries of the present Clerk, Clerks Assistant, &c. to be paid out of the Consolidated Fund.

III. And be it enacted, That from and after the Time when the Persons now holding such respective Offices as aforesaid shall respectively

Provisions of Acts as to the Salaries

tively cease to hold the same the Provisions of the several Acts directing and fixing the Salaries of such Offices shall cease.

to cease after Determination of existing Interests.

IV. And be it enacted, That, except as herein-before provided, all the Salaries and Superannuation and other Allowances and Expenses now payable out of the Money so paid to the said Account of the Commissioners for regulating the Offices of the House of Commons shall be paid out of such Monies as Parliament shall from Time to Time provide for those Purposes.

Salaries, &c. to be paid out of Monies to be provided by Parliament.

V. And be it enacted, That so much of the said last-recited Act as directs the Commissioners for regulating the Offices of the House of Commons, to appoint a Paymaster, and as regulates the said Office, shall from and after the First Day of *August* One thousand eight hundred and forty-nine be repealed; and the Salaries, Allowances, Superannuations, Charges, and Expenses of the House of Commons shall thenceforth be paid by the Paymaster General in such Manner and at such Times as the Speaker of the House of Commons, or the said Commissioners, shall direct, out of any Money which the Commissioners of Her Majesty's Treasury shall direct to be issued for those Purposes.

Salaries, &c. to be paid by Paymaster General.

VI. And be it enacted, That the Audit by the Speaker of the House of Commons of the Accounts of the Receiver of the Fees and Sums payable in the several Offices and Departments of the House of Commons shall be deemed and taken to be in all respects good and effectual without any further Audit of the said Accounts, and shall be a sufficient Discharge and Acquittance to the said Receiver as to all Matters and Things contained in such Accounts, anything contained in any Act to the contrary in anywise notwithstanding.

Audit by the Speaker to be deemed sufficient.

VII. And be it enacted, That so much of the last-recited Act as provides for the Preparation of an annual Estimate of the Money which will probably remain in the Hands of the Commissioners after the Payments of the current Quarter ending on the First Day of *April*, and of the Fees expected to be received during the Session, and of any Sum which may be required to be provided by Parliament in addition to such Sum for the Payments set forth in the Estimate of Expenditure, shall be repealed.

Provision of 9 & 10 Vict. c. 77. as to Estimate of Balance in Hand of Commissioners repealed.

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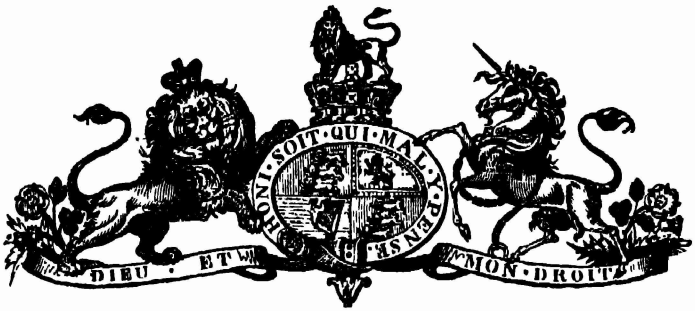


ANNO DUODECIMO & DECIMO TERTIO

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with such Number of Years as shall be required to complete a total Service of Twenty-one Years in the Artillery or other Ordnance Corps, instead of Twenty-four Years as prescribed by the said Act.

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other or others of them cannot be had, it shall be lawful for such Judge as aforesaid to order and direct such Transfer, Payment, or Delivery to be made by the major Part of such Persons without the Concurrence of the other or others of them; and where any such Monies or Government or Parliamentary Securities shall be deposited with any Banker, Broker, or other Depositary, it shall be lawful for such Judge as aforesaid to make such Order for the Payment or Delivery of such Monies, Government or Parliamentary Securities, to the major Part of such Trustees, Executors, Administrators, or other Persons as aforesaid, for the Purpose of being paid or delivered to the said Accountant General as to the said Judge shall seem meet; and every Transfer of any Annuities, Stocks, or Securities, and every Payment of Money or Delivery of Securities, in pursuance of any such Order, shall be as valid and effectual as if the same had been made on the Authority or by the Act of all the Persons entitled to the Annuities, Stocks, or Securities so transferred, or the Monies or Securities so paid or delivered respectively, and shall fully protect and indemnify the Governor and Company of the Bank of *England*, the *East India* Company, and the *South Sea* Company, and all other Persons acting under or in pursuance of such Order.

Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed in the present Session of Parliament.

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## CAP. LXXV.

**An Act to defray until the First Day of *August* One thousand eight hundred and fifty the Charge of the Pay, Clothing, and contingent and other Expenses of the Disembodied Militia in *Great Britain* and *Ireland*; to grant Allowances in certain Cases to Subaltern Officers, Adjutants, Paymasters, Quartermasters, Surgeons, Assistant Surgeons, Surgeons Mates, and Serjeant Majors of the Militia; and to authorize the Employment of the Non-commissioned Officers.**

[28th *July* 1849.]

WHEREAS it is necessary that Provision should be made for defraying the Charge of the Pay, Clothing, and contingent and other Expenses of the Regular Militia, and of the Miners of *Cornwall* and *Devon*, when disembodied, in *Great Britain* and *Ireland*, and for making in certain Cases Allowances of Reduced Pay to Subaltern Officers and Surgeons Mates and Assistant Surgeons of the Regular Militia, and of the Miners of *Devon* and *Cornwall*, while disembodied, and Allowances to Adjutants, Paymasters, Surgeons, Quartermasters, and Serjeant Majors of the Regular Militia who have been or may be reduced, and to Adjutants, Surgeons, and Quartermasters disabled after long Service: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal,

 and

and Commons, in this present Parliament assembled, and by the Authority of the same, That the Secretary at War for the Time being shall cause to be issued and paid the whole Sum required for the Regular Militia of *Great Britain* and *Ireland* (when disembodied), in the Manner and for the several Uses herein-after mentioned; (that is to say,) for the Pay of the said Regular Militia at the Rates following; (that is to say,)

Secretary at War to issue the Money required for Pay of Regular Militia.

Rates of Pay.

For each Adjutant, Eight Shillings *per Diem:*

For each Serjeant Major, having been Serjeant Major of a Provisional Battalion of Militia, Two Shillings and Sixpence *per Diem:*

For each Serjeant Major, where One is appointed in Corps consisting of Two or more Companies, One Shilling and Ten-pence *per Diem:*

For each Serjeant, having been a Colour Serjeant in One of the Provisional Battalions of Militia, Two Shillings *per Diem:*

For each Serjeant, One Shilling and Sixpence *per Diem:*

Rates of Pay when absent on Furlough.

Provided always, that when any Serjeant Major or Serjeant shall be absent on Furlough or Licence he shall during such Absence receive Sixpence *per Diem* less than the above-mentioned Rates respectively;

Clothing.

And also for the Clothing of the Regular Militia (when disembodied), in Cases in which full Clothing shall be provided by the Colonel or Commandant, at the Rate of Five Pounds Twelve Shillings and One Penny for each Serjeant Major, and Three Pounds for each Serjeant, and so in proportion in the Cases in which only Part of the Clothing shall be provided by the Colonel or Commandant, together with the actual Expense of Package and Carriage, and such Charges for altering and fitting the Clothing as shall have been sanctioned by the Secretary at War: Provided always, that such Serjeant Majors and Serjeants as were serving on the Disembodied Staff on the First Day of *June* One thousand eight hundred and twenty-nine, and shall be resident at Head Quarters, shall be entitled to be clothed once in Two Years; and that such as shall have been subsequently appointed to serve or promoted on the Disembodied Staff shall be entitled to be clothed once in Four Years:

Contingent Fund.

And also at the Rate of Sixpence *per Annum* for each Private Man for defraying the contingent Expenses of each Regiment, Battalion, or Corps.

Adjutant, &c. to reside where the Secretary at War shall appoint.

II. And be it enacted, That, except when employed as herein-after provided, every Adjutant and Non-commissioned Officer on the Staff of the Regular Militia, when disembodied, shall reside in such Places as shall be sanctioned by the Secretary at War; and every such Adjutant and Non-commissioned Officer shall forfeit his Pay for any Period during which he shall be absent, except when

employed as herein-after provided, or when absent by Leave from the Colonel or Commandant of the Regiment, Battalion, or Corps, which Leave shall not, except in case of certified Sickness, extend beyond Three Calendar Months in One Year, nor to a greater Proportion than One Third of the Non-commissioned Officers at the same Time.

Adjutants and Non-commissioned Officers of Militia may be employed in their Counties.

III. And be it enacted, That every Adjutant and Non-commissioned Officer of the Regular Militia, when disembodied, and not called out for Training or Exercise, shall be liable to be employed within the County to which the Regiment, Battalion, or Company of the said Militia Staff belongs, under the Officers appointed to pay and superintend the Out-Pensioners of *Chelsea* Hospital, in such Manner as One of Her Majesty's Principal Secretaries of State may determine.

Adjutant to have Charge of the Arms and Clothing, and to issue the Money for contingent Expenses on an Order signed by the Colonel.

IV. And be it enacted, That the Adjutant of each Regiment of Militia shall have the Charge and Care of the Arms, Accoutrements, Great Coats, Clothing, Necessaries, and other Stores thereof, under the Superintendence of the Colonel or Commandant, and shall, out of the Allowance of Sixpence *per Annum* for each Private Man directed by this Act to be issued and paid for defraying the contingent Expenses of such Regiment, Battalion, or Corps, from Time to Time issue and pay such Sums of Money as may be necessary for the Repair of Arms, and other usual contingent Expenses, upon an Order in Writing signed by the Colonel or other Commandant, and after Payment of such Sums as aforesaid he shall Three Times in the Year make up Accounts of all such Money, and of the Expenditure thereof, showing the Balance remaining in his Hands, (which said Balance shall form a Stock Purse for the Use of the Regiment, Battalion, or Corps,) and shall transmit the same to the Colonel or other Commandant of such Regiment, Battalion, or Corps, to be by him examined, allowed, and signed; and the said Accounts, so allowed and signed, shall be the proper Vouchers and Acquittal of such Adjutant for the Application and Disposal of such Money.

Balance to form a Stock Purse.

In Absence of the Adjutant, the Serjeants to be under the Command of the Serjeant Major.

V. And be it enacted, That in the occasional and unavoidable Absence of the Adjutant from the City, Town, or Place where the Disembodied Staff is quartered, or during any Vacancy in the Appointment of Adjutant, the Serjeants shall be under the Command of the Serjeant Major, or of some Serjeant who shall be appointed by the said Adjutant, with the Approbation of the Colonel or other Commanding Officer, to act as Serjeant Major during the Absence of such Adjutant; and the said Serjeant Major or acting Serjeant Major shall render the same Returns and perform such other Acts as are by Law required from the Adjutant.

VI. And

Militia when called out for Training or Exercise entitled to Pay.

VI. And be it enacted, That the Officers and Non-commissioned Officers, Drummers, and Private Men of the Regular Militia shall, for the Period or Periods during which they shall be called out for the Purpose of Exercise or Training, be entitled to the same Pay and Allowances as the Officers, Non-commissioned Officers, Drummers, and Private Men of the Militia when embodied.

Allowances to Subalterns and Surgeons Mates and Assistant Surgeons.

VII. And whereas it is expedient to grant Allowances to certain Officers of the said Militia Forces of *Great Britain* and *Ireland* while disembodied, under certain Regulations: Be it enacted, That the following Allowances shall be made and paid, to the Amount, under the Restrictions, and in the Manner herein-after expressed, to every Subaltern Officer and Surgeon's Mate in *Great Britain*, and to every Subaltern Officer and Assistant Surgeon in *Ireland*, who held a Commission in the Militia of *Great Britain* or *Ireland*, and was serving therein, when the Corps was last disembodied, and also to every Supernumerary Subaltern Officer and Assistant Surgeon of any Regiment of Militia in *Ireland* which was augmented during the War, and which has been reduced to its original Establishment; (that is to say,)

To a Lieutenant, Two Shillings and Sixpence *per Diem*:

To an Ensign, Two Shillings *per Diem*:

And to a Surgeon's Mate or Assistant Surgeon, Two Shillings and Sixpence *per Diem*:

Rank of certain Officers.

Provided always, that for the Purposes of this Act all Officers of the Militia serving with the Rank of Captain Lieutenants shall be deemed to be Lieutenants, and all Officers serving with the Rank of Second Lieutenant shall be deemed to be Ensigns; and that the Supernumerary Subalterns and Assistant Surgeons of Regiments of Militia in *Ireland* as aforesaid shall be deemed to have belonged to such Regiments when they were last disembodied, and to have continued to serve therein from that Time.

Certain Persons not entitled to Allowances.

VIII. Provided also, and be it enacted, That no Person who is or shall during the Continuance of this Act become possessed of such an Estate or Income as would by Law qualify him to hold the Commission of Captain of a Company in the said Militia, or who is or shall be appointed Adjutant in any Regiment, Battalion, or Corps of Militia, nor any Officer on Full Pay of the Navy, Army, or Marines, shall have or be in any way entitled to the said Allowances, or any Part or Share thereof.

A Declaration to be taken to entitle Officers, &c. to such Allowances.

IX. And be it enacted, That the Subaltern Officers, Surgeons Mates, and Assistant Surgeons of the Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle themselves thereto, take and subscribe a Declaration before some one

one of Her Majesty's Justices of the Peace of the United Kingdom Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some one of Her Majesty's Ministers, Secretaries of Embassy, of Legation, or Consuls abroad, in the Words or to the Effect following; (*videlicet*,)

Form of Declaration.

'I *A.B.* do solemnly and sincerely declare, That I belonged to the ' of Militia when the same was disembodied, ' and that I have continued to serve therein from that Time until ' the Day of inclusive, as a [Lieutenant, ' Ensign, Surgeon's Mate, *or* Assistant Surgeon, *as the Case may be*]; ' and that I was not, in my own Right or in the Right of my Wife, ' during any Part of the Period for which I now claim to receive my ' Allowance, (that is to say,) from the Day of ' to the Day of both ' inclusive, in the actual Possession and Enjoyment or Receipt of the ' Rents and Profits of Lands, Tenements, or Hereditaments of such ' an annual Value above Reprizes as would qualify me to hold a ' Commission of Captain of a Company in the Militia; that I was ' not in Holy Orders; that I have not during the above Period held ' the Appointment of Adjutant, Surgeon, Paymaster, or Quarter-' master in any Regiment, Battalion, or Corps of Militia; that I did ' not hold or enjoy, nor did any Person for me hold or enjoy, during ' the said Period, any Place, Office, or Employment of Profit, Civil ' or Military, under the Crown or any other Government, besides ' the Allowance of a Day now claimed, except ' my Half Pay as a [of the Army *or* ' Navy *or* Marines, *or* of a Provisional Battalion formed from the ' Militia, *as the Case may be*], and any Pay and Allowances from the ' to the both Days inclusive, during which ' Period the Corps was assembled for Training and Exercise.'

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Subaltern Officer, Surgeon's Mate, or Assistant Surgeon claiming the Allowance.

Secretary at War may place certain Officers unfit for Duty upon a retired Allowance, upon making the following Declaration.

X. And be it enacted, That it shall be lawful for the Secretary at War to place any such Lieutenant, Ensign, and Surgeon's Mate of the Militia of *Great Britain*, or Subaltern Officer and Assistant Surgeon of the Militia of *Ireland*, when unfit for further Duty, upon a retired Allowance equal to and instead of the Allowance granted on the disembodying of the Militia at the Termination of the War; and all such Subalterns, Surgeons Mates, and Assistant Surgeons, to entitle them to the Receipt of such retired Allowance, shall make and subscribe the following Declaration; (*videlicet*,)

Form of Declaration.

'I do solemnly and sincerely declare, That I ' formerly served as a in the ' Militia; that I am not in Holy Orders; and that from the

'Day of to the Day of
'I did not hold or enjoy any Place or Employment of Profit, Civil
'or Military, under Her Majesty, or in the Colonies or Possessions of
'Her Majesty beyond the Seas, or under any other Government,
'besides my Allowance of *per Diem* as a of the
'said Militia, except my Half Pay or Civil Pension as a '

Allowances to Officers reduced in 1829.

XI. And be it enacted, That the Allowances granted to certain Paymasters, Surgeons, and Quartermasters of the Militia of *Great Britain* and *Ireland*, on their being reduced, in pursuance of an Act passed in the Tenth Year of the Reign of His Majesty King *George* the Fourth, shall be issued and paid, under the Restrictions and in the Manner herein-after expressed, during the Continuance of this Act; and that it shall be lawful for the Secretary at War to place any such Paymaster, Surgeon, or Quartermaster, when unfit for further Duty, upon a retired Allowance equal to and instead of his reduced Allowance.

A Declaration to be taken by Officers claiming the said Allowances.

XII. And be it enacted, That every Paymaster, Surgeon, and Quartermaster of Militia, who shall claim under the Authority of this Act to receive any Part of the said Allowances, shall, previous to receiving the same, and in order to entitle himself thereto, take and subscribe a Declaration before some one of Her Majesty's Justices of the Peace in the United Kingdom, or Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before some one of Her Majesty's Ministers, Secretaries of Embassy or Legation, or Consuls abroad, in the Words or to the Effect following; (that is to say,)

Form of Declaration.

'I *A.B.* do solemnly and sincerely declare, That I was serving as
'[Paymaster, Surgeon, *or* Quartermaster, *as the Case may be*,] in
'the of Militia at the Reduction of the Staff
'of the said Militia in One thousand eight hundred and twenty-
'nine; and that I was not in Holy Orders during any Part of the
'Period for which I now claim to receive an Allowance, that is to
'say, from the Day of One thousand eight
'hundred and to the Day of One
'thousand eight hundred and ; and that I did not
'hold or enjoy, nor did any Person for me hold or enjoy, during any
'Part of the said Period, any Place, Office, or Employment of Profit,
'Civil or Military, under the Crown or any other Government,
'besides the Allowance of a Day now claimed,
'except my Half Pay as a [of the Army *or* Navy
'*or* Marines, *or* of a Provisional Battalion formed from the Militia,
'*as the Case may be*], and except my Pay and Allowances from
'the to the both Days inclusive,
'during which Period the Militia was assembled for
'Training and Exercise.'

Which

Which Declaration, so taken and subscribed, shall be produced to the Paymaster General of Her Majesty's Forces by the Paymaster, Surgeon, or Quartermaster claiming the Allowance: Provided always, that any Paymaster, Surgeon, or Quartermaster receiving such Allowance, and being on Naval or Military Half Pay, or entitled to any Allowance as having served in any of Her Majesty's Regular Forces, or Navy or Marines, shall, notwithstanding such Militia Allowance, be entitled to receive such Half Pay or Allowance.

Out-Pension to Reduced Non-commissioned Officers and Drummers not to be received while serving.

XIII. And whereas certain Non-commissioned Officers and Drummers of the Militia of the United Kingdom of *Great Britain* and *Ireland* have, on the Reduction of the Establishment of the Disembodied Staff, been placed on the Out-Pension, although not unfit for further Service: Be it enacted, That no Non-commissioned Officer or Drummer so placed on Pension shall be entitled to receive the said Pension for any Period during which he shall be receiving Pay in the Militia.

Subalterns, Mates, &c. to attend the Exercise, &c.

XIV. And be it enacted, That every Paymaster, Surgeon, or Quartermaster on the reduced Allowance, and every Subaltern Officer, Surgeon's Mate, and Assistant Surgeon of the Militia, who shall be entitled or claim to be entitled to any Allowances as aforesaid, shall regularly attend the Exercise and Training of the Regiment, Battalion, or Corps to which he belongs during the whole of the Time it shall be assembled for that Purpose, and shall during the said Time punctually do and perform his Duty as a Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon of such Regiment, Battalion, or Corps, on pain of forfeiting the said Allowance, as well as all Arrears of the said Allowance and of Pay; and a Certificate of his having so attended, and performed his Duty, signed by the Commanding Officer of the Regiment, Battalion, or Corps to which he may belong, shall be transmitted to the Paymaster General by the Officer claiming the Allowance: Provided always, that in case any such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, claiming to be entitled to such Allowance, shall by his Commanding Officer be permitted or suffered, for any special Cause or unavoidable Necessity, to be absent during the whole or any Part of such Exercise, for which Purpose it shall be lawful for such Commanding Officer to grant such Leave of Absence, then and in such Case it shall be lawful for such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon, who may be so permitted to be absent, and have such Leave in Writing, to demand and receive the said Allowances and every Part thereof in like Manner as if he had attended during the whole of the said Exercise: Provided always, that the Reason for such Absence, as well as the Duration

Commanding Officers may grant Leave of Absence.

tion thereof, shall be carefully and truly specified in a Certificate (in lieu of that before mentioned) to be signed by the Commanding Officer, and to be furnished as soon as conveniently may be to the Paymaster General.

If the Regiment be not called out before the Time fixed for the Payment, the Allowance shall be paid, on making the Declaration, without Certificate of Attendance.

XV. Provided always, and be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall not, before the Time fixed for the Payment of the said Allowances, be called out for the Exercise and Training thereof, every Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon belonging to any such Regiment, Battalion, or Corps, and coming within the aforesaid Benefits of this Act, who shall have made and subscribed the Declaration herein-before mentioned before any Justice of the Peace or other Person as aforesaid, shall be entitled to the said Allowance as if he had regularly attended the Exercise and Training of such Regiment, Battalion, or Corps during the whole of the Time by Law appointed for that Purpose, and as if a Certificate of such Attendance, signed by the Commanding Officer of the Regiment, Battalion, or Corps, had been furnished.

Allowances to be paid quarterly.

XVI. And be it enacted, That upon such Declarations and Certificates as aforesaid, or where any Regiment of Militia shall not have been called out to their Exercise as aforesaid, upon the said Declarations being produced to the Paymaster General, the Paymaster General shall pay to the said Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons their respective Allowances above mentioned for the usual quarterly or other proper Periods, without any Deduction whatsoever, save and except that provided by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for granting to Her Majesty Duties on Profits arising from Property, Professions, Trades, and Offices, until the Sixth Day of* April *One thousand eight hundred and forty-five,* or by any other Act which may be passed continuing the Payment of such Duties for a further Period, the Declarations and Certificates before mentioned to be by him preserved and produced as Vouchers for the Payments.

5 & 6 Vict. c. 35.

On Neglect of Attendance, Subalterns, &c. shall forfeit their Claim to the Allowance.

XVII. And be it enacted, That the Paymasters, Surgeons, Quartermasters, Subaltern Officers, Surgeons Mates, and Assistant Surgeons of Militia, entitled or claiming to be entitled to the aforesaid reduced or disembodied Allowances, shall at all Times be liable to serve in the respective Regiments, Battalions, or Corps to which they belong whenever the same shall be embodied and called out upon active Service; and in case of Neglect or Refusal to attend when called upon, on such Occasion, or on such other Occasions as may be required in pursuance of the Laws in force respecting the Militia when disembodied,

disembodied, every such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, and Assistant Surgeon shall, on such Neglect or Refusal being certified to the Secretary at War, and, in respect of the Militia of *Great Britain*, to the Lord Lieutenant of the County, by the Colonel or other Commandant of the Regiment, Battalion, or Corps to which such Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon shall belong, forfeit his Claim to the said Allowance and every Part thereof, and shall also be considered as having resigned and vacated his Commission to all Intents and Purposes whatsoever.

Allowance not to be paid while the Militia embodied.

XVIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to entitle any Paymaster, Surgeon, Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon as aforesaid to the said Allowance or any Part thereof during the Time the Militia to which he belongs shall be embodied or assembled for Training and Exercise.

Persons on Half Pay, or entitled to Allowance as having served in the Army or Navy, empowered to receive Pay, &c. during Training.

XIX. Provided always, and be it enacted, That any Person, being on Naval or Military Half Pay, or being entitled to any Allowance as having served in any of Her Majesty's Regular Forces or Navy or Marines, and serving in the Militia, may receive the Pay and Allowances by this Act directed to be paid to the Field Officers, Captains, Lieutenants, Ensigns, Adjutants, Quartermasters, Surgeons, Surgeons Mates, and Assistant Surgeons, when assembled for annual Training; and the receiving any such Pay and Allowances by any such Field Officer, Captain, Lieutenant, Ensign, Adjutant, Quartermaster, Surgeon, Surgeon's Mate, or Assistant Surgeon shall not prevent such Person on Half Pay, or being entitled to any such Allowance, from receiving his Half Pay or such Allowance: Provided always, that such Person shall, in the Declaration to be taken for the Receipt of the Half Pay or such Allowance, declare that he has received or is entitled to such Militia Pay and Allowances, and shall specify the Militia Rank which entitles him to the same.

Adjutants, &c., Non-commissioned Officers or Privates, not to lose their Right to Chelsea or Kilmainham Pensions, &c.

XX. Provided always, and be it enacted, That no Adjutant, Quartermaster, Non-commissioned Officer, Drummer, or Private Man in the Regular Militia, entitled to receive any *Chelsea* or *Kilmainham* Pension or Allowance on account of Service in the Regular Army, shall forfeit or lose his Right to the same by reason of his serving and receiving Pay in the Regular Militia; nor shall any Quartermaster, Subaltern Officer, Surgeon's Mate, or Assistant Surgeon forfeit or lose his Right to receive any such *Chelsea* or *Kilmainham* Pension or Allowance by reason of his receiving the Allowance by this Act granted to him when disembodied.

Allowance to be made for Medicines.

XXI. And be it enacted, That there shall be granted for each Regiment of Regular Militia, when disembodied, a Sum of Money after the Rate of One Guinea for every One hundred Men of each such Regiment, for the Expense of necessary Medicines for the sick Non-commissioned Officers, Drummers, Fifers, and Private Men of such Regiment, during the Period or Periods of Assembly for Exercise or Training, and also an Allowance of Two-pence *per* Week for each of the Non-commissioned Officers of each Regiment on the Disembodied Staff at Head Quarters, for the Expense of necessary Medicines and Attendance given to the said Non-commissioned Officers while such Regiment is not called out for Training and Exercise.

Adjutants appointed before 24th Dec. 1814 entitled to receive, after a Service of 20 Years, if unfit for further Service, an Allowance of 8s. per Day; provided they do not hold certain other Appointments.

XXII. And be it enacted, That every Adjutant of Regular Militia appointed as such before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Twenty Years in the whole, whereof Ten shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, on producing to the Secretary at War a Certificate of such Service of Twenty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon obtaining an Order from the Secretary at War founded upon such Certificate, be entitled to receive, and the Paymaster General shall pay to such Person, an Allowance at the Rate of Eight Shillings *per Diem:* Provided always, that no Person shall be entitled to receive such Allowance as aforesaid who shall hold any Military Office or Employment of Profit under Her Majesty or any other Government; and that no Person who before the First Day of *June* One thousand eight hundred and twenty-nine held any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he held such Civil Place or Employment, except in the Cases in which the Emoluments of such Civil Place or Employment shall not exceed Three Times the Amount of the said Allowance, and unless in such excepted Cases the Royal Consent to the holding of such Civil Place or Employment shall have been signified through the Secretary at War; and that no Person appointed on or after the First Day of *June* One thousand eight hundred and twenty-nine to any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall receive any Part of the said Allowance for any Time during which he shall hold such Civil Place or Employment: Provided always, that

any Adjutant appointed after the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, who shall have served faithfully, either in Her Majesty's Regular Forces or in the Regular or Local Militia, for the full Term of Thirty Years in the whole, whereof Fifteen shall have been in Service as an Adjutant of Regular Militia, and who shall be by Age or Infirmity rendered unfit for further Service, shall, upon producing to the Secretary at War a Certificate of such Service of Thirty Years as aforesaid from the Commanding Officers of the different Corps to which he shall have belonged, and upon an Order from the Secretary at War founded upon such Certificate, be entitled to receive an Allowance at the Rate of Six Shillings a Day, in like Manner and subject to the same Restrictions and Conditions as the aforesaid Allowance of Eight Shillings: Provided also, that no such Adjutant shall lose any Right he may have to Half Pay or Out-Pension by reason of receiving such Allowance of Eight Shillings or Six Shillings a Day as aforesaid, but shall be entitled to receive such Half Pay or Out-Pension as well as such Allowance: Provided always, that in Cases of very long and meritorious Services it shall be lawful for the Secretary at War to extend to any Adjutants appointed between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three the Terms, either in whole or in part, hereinbefore prescribed for the Retirement of Adjutants appointed before the Twenty-fourth Day of *December* One thousand eight hundred and fourteen.

Adjutants appointed since 24th Dec. 1814 entitled to receive, after Thirty Years Service, &c., an Allowance of 6*s.* per Day.

Right to Half Pay reserved.

Certain Terms extended to Adjutants in Cases of long and meritorious Services.

XXIII. And whereas certain Allowances have been granted in pursuance of former Acts to Adjutants, Surgeons, and Quartermasters of Regular Militia who have by Age or Infirmity been rendered unfit for further Service: Be it enacted, That such Allowances shall be issued and paid, during the Continuance of this Act, in like Manner and subject to the same Restrictions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no Person receiving such Allowance shall by reason thereof forfeit his Right to any Half Pay to which he may be entitled.

Allowances to Adjutants, Surgeons, and Quartermasters.

Right to Half Pay reserved.

XXIV. And be it enacted, That in case any Regiment, Battalion, or Corps of Militia shall have already ceased and determined or been reduced in its Establishment, or shall cease and determine or be reduced in its Establishment during the Continuance of this Act, the Sum of Four Shillings *per Diem* shall be paid to such Person as was or shall be actually serving as Adjutant to such Regiment, Battalion, or Corps at the Time of Reduction, from the Thirty-first Day of *July* One thousand eight hundred and forty-nine, or from the Time such Regiment

Reduced Adjutants to receive 4*s.* per Day till 31st July 1849.

Regiment shall cease and determine or be reduced in its Establishment, (as the Case may be,) to the Thirty-first Day of *July* One thousand eight hundred and fifty, in like Manner and subject to the same Restrictions and Conditions as the Allowances granted by this Act to Adjutants who shall by Age or Infirmity be rendered unfit for further Service: Provided always, that no such reduced Adjutant shall lose any Right he may have to Half Pay of the Navy, Army, Marines, or Provisional Battalion formed from the Militia, by reason of receiving such Allowance as last aforesaid, but shall be entitled to receive such Half Pay as well as such Allowance.

Right to Half Pay reserved.

Adjutants and Serjeant Majors entitled to Allowance under 39 & 40 G. 3. c. 44.

XXV. And whereas certain Adjutants and Serjeant Majors are entitled to and have received certain Allowances in consequence of having been reduced under the Provisions of an Act passed in the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, which Allowances have been continued, and as to such Adjutants augmented to Four Shillings *per Diem:* Be it enacted, That all such Adjutants and Serjeant Majors shall be entitled to receive and shall receive such Allowance from the Thirty-first Day of *July* One thousand eight hundred and forty-nine to the Thirty-first Day of *July* One thousand eight hundred and fifty.

Allowances granted to Adjutants who have been appointed since 24th Dec. 1814, &c. on Completion of certain Periods of Service.

XXVI. And be it enacted, That the following Allowances shall be granted and paid, under the Restrictions and Limitations hereinafter expressed, to Adjutants of the Militia of *Great Britain* and *Ireland* who have been appointed since the Twenty-fourth Day of *December* One thousand eight hundred and fourteen, and who shall hereafter be appointed, on the Completion of the following Periods of Service in Her Majesty's Regular Forces and in the Militia, if unfit for the Performance of the Duties of their Commissions; (that is to say,)

To every Adjutant who shall have completed in the Service a Period of, (*videlicet,*)

Fifteen Years, of which Five Years as an Adjutant of Militia, an Allowance of Three Shillings *per Diem:*

Twenty Years, of which Seven Years as an Adjutant of Militia, an Allowance of Four Shillings *per Diem:*

Twenty-five Years, of which Ten Years as an Adjutant of Militia, an Allowance of Five Shillings *per Diem:*

Thirty Years, of which Fifteen Years as an Adjutant of Militia, an Allowance of Six Shillings *per Diem:*

No Adjutant whose Commission bears Date between 24th Dec. 1814

Provided also, that no such Adjutant whose Commission bears Date between the Twenty-fourth Day of *December* One thousand eight hundred and fourteen and the Ninth Day of *July* One thousand eight hundred and twenty-three shall be excluded from the Operation of

of the Authority vested in the Secretary at War to determine certain Cases of Adjutants of long and meritorious Services; provided also, that such Adjutants shall retain any Right they may have to Half Pay or to Out-Pension, notwithstanding the Grant of such retired Allowance as aforesaid; and all such Allowances shall be granted upon the Production to the Secretary at War of a Certificate of such Service and Disability; and the Paymaster General shall pay to such Adjutant the above Allowance, subject to the same Limitations and Restrictions in respect to the holding of any Civil Place or Employment of Profit under the Crown, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, as attach to other Adjutants to whom retired Allowances have been or shall be granted.

and 9th July 1823 excluded.

Right to Half Pay and Pension reserved.

XXVII. And be it enacted, That every reduced Adjutant entitled to any Allowance granted under the said Act of the Thirty-ninth and Fortieth Years of the Reign of King *George* the Third, and continued by any subsequent Act or by this Act, may receive such Allowance, together with any Full Pay, Half Pay, or Allowance which was tenable together with such reduced Allowance under the Provisions of an Act passed in the Twenty-sixth Year of the Reign of King *George* the Third, intituled *An Act for amending and reducing into One Act of Parliament the Laws relating to the Militia in that Part of* Great Britain *called* England, or under the Provisions of the aforesaid Act of the Thirty-ninth and Fortieth Years of the Reign of His Majesty King *George* the Third: Provided always, that no such reduced Adjutant shall be entitled to receive any Allowance under this Act during the Time he shall hold any Military Office of Profit under Her Majesty other than such as aforesaid, or under any other Government, or any Civil Office or Employment under Her Majesty, or any other Government, otherwise than according to the Provisions of this Act in relation to the Allowances granted to Adjutants on account of Age or Infirmity.

Reduced Adjutants may take such Allowance with any Pay or other Allowance under 39 & 40 G. 3 c. 41. and 26 G. 3. c. 107.

Proviso.

XXVIII. And whereas certain Allowances have been granted to reduced Adjutants of the Local Militia: Be it enacted, That the said Allowances shall be issued and paid during the Continuance of this Act in like Manner and subject to the same Restrictions as the Allowances of the Paymasters, Surgeons, and Quartermasters of the Regular Militia who were reduced in the Year One thousand eight hundred and twenty-nine: Provided always, that in the Cases in which any such Local Militia Adjutants have been permitted to receive the said Allowances whilst holding any Civil Offices under the Crown, to which Offices they had been appointed previously to the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, it shall be lawful to continue the Payment of the said Allow-

Restrictions as to Allowances to reduced Adjutants of the Local Militia.

ances under the same Regulations and Restrictions as those under which the Permission was originally granted.

Allowances to Clerks of General and Subdivision Meetings in England.

XXIX. And be it enacted, That in every County in *England* and *Wales*, when the Regular Militia is or shall be raised, Allowances shall be made to the Clerks of General Meetings, and the Clerks of Subdivision Meetings of Lieutenancy, for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for amending the Law relating to the Militia in* England, *and for augmenting the Militia*, and of any other Acts relating to the said Militia; and also the Clerks of General Meetings and the Clerks of Subdivision Meetings of Lieutenancy for their Trouble and Expenses in the due Execution of an Act passed in the Thirty-seventh Year of the Reign of King *George* the Third, intituled *An Act for the better raising and ordering the Militia Forces for the* Tower Hamlets *in the County of* Middlesex, and any other Acts relating to the said Militia; and also to the Clerks of General Meetings and the Clerks of Subdivision Meetings of the Lord Warden and Deputy Wardens of the Stannaries of *Cornwall* and *Devon* for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for repealing an Act made in the Thirty-eighth Year of the Reign of His present Majesty King* George *the Third, intituled* '*An Act for* '*raising a Body of Miners in the Counties of* Cornwall *and* Devon '*for the Defence of the Kingdom during the present War, and for* '*the more effectually raising and regulating a Body of Miners for* '*the Defence of* Great Britain,' and of any other Acts relating to the said Militia; and in every County, Stewartry, City, or Place in *Scotland* where the Regular Militia is or shall be raised Allowances shall also be made to the Clerks of General Meetings and Clerks of the several Subdivision Meetings, and to Schoolmasters, Constables, and other Officers, for their Trouble and Expenses in the due Execution of an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act to raise and establish a Militia in* Scotland, and of any other Acts relating to the said Militia.

42 G. 3. c. 90.

37 G. 3. c. 25.

42 G. 3. c. 72.

Allowances to such Officers and others in Scotland.

42 G. 3. c. 91.

Manner of granting Allowances.

XXX. And be it enacted, That the said Allowances shall be granted as follows; (*videlicet*,) the Account shall be certified by the Lieutenant of the County, Stewartry, City, or Place, or by Two or more Deputy Lieutenants acting for such County, Stewartry, City, or Place, or by the Lord Warden of the Stannaries of *Cornwall* and *Devon*, or by Two or more Deputy Wardens of the Stannaries of *Cornwall* and *Devon*; and the Clerks of General and Subdivision Meetings in *Great Britain*, and the Schoolmasters, Constables, and other Officers in *Scotland*, shall make a Declaration as to the Justness of

Clerks, &c. to make Declaration of the Just-

of the Accounts, in the following Terms respectively, before some Justice of the Peace; (*videlicet*,) ness of their Accounts.

*Declaration of a Clerk of General or Subdivision Meetings.*

'I do solemnly declare, That the preceding Account, 'so far as regards my Interest therein, is a just and true Account 'of Business performed by me for and in behalf of the public Service, 'according to the Manner therein set forth; and the Sums claimed 'as disbursed were actually paid by me.'

*Declaration of a Schoolmaster, Constable, or other Officer in Scotland.*

'I do solemnly declare, That I am the Parochial 'Schoolmaster [*or* Constable *or other Officer*] of the District 'of in the Subdivision of the County 'of ; and that the preceding Account is a just and 'true Account of Business actually performed by myself for and in 'behalf of the public Service, according to the Manner therein 'set forth; and that I was employed on such Business the full 'Time therein stated; and that the Sums claimed as disbursed were 'actually paid by me.'

And the said Accounts shall be transmitted to the Secretary at War, who is hereby empowered to issue the Allowances according to the Rate specified in the Table to this Act annexed, or such Sums as he shall think reasonable and proper.

XXXI. And whereas it is expedient that the Deputy Lieutenants acting in any Subdivision of any County, Stewartry, City, or Place in *Great Britain*, and the Special Deputy Wardens acting in any Subdivision in the Stannaries of the Counties of *Cornwall* and *Devon*, should be assisted by the Advice of a Surgeon in deciding upon the Appeals of Persons claiming to be exempt from Service in the Militia by reason of bodily Infirmity, and upon the Fitness for Service of the Persons presenting themselves for Enrolment: Be it enacted, That it shall be lawful for any Two Deputy Lieutenants and they are hereby empowered and required to summon, by Two Days previous Notice in Writing, any competent Surgeon residing at or nearest to the Place where any Meeting for Appeals or Enrolment shall be held, to attend at such Meeting; and every such Surgeon shall, before he begins any such Examination, make the following Declaration, which Declaration any Deputy Lieutenant is hereby authorized to administer; (*videlicet*,) Deputy Lieutenants, may require the Attendance of any Surgeon residing near the Place of Meeting for Appeals.

'I do solemnly declare, That I will, to the best of 'my Ability, faithfully and truly report as to the Fitness for 'Service Declaration to be made by Surgeon.

'Service of the Man or Men about to be submitted to my Examination, and that I will not receive from any of them any Fee or Reward whatever for any such Examination.'

Allowance to Surgeon.

And every such Surgeon shall receive for each Day's Attendance at such Meeting a Sum not less than Half a Guinea nor exceeding Two Guineas, according to the Extent of the Duty performed: Provided always, that the Accounts and Vouchers upon which the said Allowances shall be recommended by the Deputy Lieutenants of the respective Subdivisions shall be transmitted to the Secretary at War, with the Accounts of the Lieutenancy Clerks, for Examination and Payment.

Pay, &c. to be issued under Directions of the Secretary at War.

XXXII. And be it enacted, That all Sums of Money granted for the Pay, Clothing, contingent and other Expenses, and for the Allowances to the Officers and Men of the Regular and Local Militia, when disembodied, shall be issued and paid under the Direction of the Secretary at War, by the Acceptance of Bills or otherwise, according to such Regulations as have been or shall be established on that Head.

Bills drawn for Pay, &c. may be on unstamped Paper.

XXXIII. And be it enacted, That all Bills, Drafts, and Orders drawn for Pay or Allowances under this Act may be drawn upon unstamped Paper; and no such Bill, Draft, or Order shall be void by reason of being drawn or written on unstamped Paper.

No Fee to be taken.

XXXIV. And be it enacted, That no Fee or Gratuity whatsoever shall be given or paid for or upon account of any Warrant or Sum of Money which shall be issued in relation to or in pursuance of this Act.

Expense of House for depositing Arms and Stores of the Militia in Ireland, &c. to be defrayed by the County.

XXXV. And be it enacted, That the Hire of any House or Place to be provided for the keeping of the Arms, Accoutrements, Clothing, or other Stores, and for the Residence and Accommodation of the Adjutant belonging to any Regiment or Battalion of Militia in *Ireland*, when not embodied, shall be defrayed by the County; and the necessary Sum for that Purpose, and for all other Sums of Money and Expenses payable and to be defrayed by the County in respect of the Militia of the County, and all Arrears of any such Hire due for the Hire or Rent of any House heretofore provided, and which Rent shall not have been presented and paid before the passing of this Act, or which shall hereafter become due for any such House, and all Arrears of any such other Sums or Expenses aforesaid which shall have become due before the Certificate thereof shall be transmitted as hereafter mentioned, shall be raised by the Presentment of the Grand Jury of the said County, which Presentment the Grand Jury of the County shall pass on a Certificate signed by the Chief Secretary

Secretary of the Lord Lieutenant or other Chief Governor or Governors of *Ireland* for the Time being, or, in the Absence of such Chief Secretary, by the Under Secretary, or by the First Clerk in the Military Department, and specifying the Rent agreed to be paid for the same; and the said Certificate shall be transmitted by such Chief or Under Secretary or First Clerk to the Clerk of the Crown for such County, or at any Time prior to the First Day of Assizes for such County, or if in the County or County of the City of *Dublin*, then prior to the First Day of the Presenting Term: Provided always, that in no Case any greater Rent than Fifty Pounds Currency of the United Kingdom of *Great Britain* and *Ireland* shall be presented by such Grand Jury for the annual Rent of such House or Place.

Proviso as to Amount of Rent.

XXXVI. And be it enacted, That in all Cases where any Place provided under an Act passed in the Forty-second Year of the Reign of King *George* the Third, intituled *An Act for amending the Laws relating to the Militia in* England, *and for augmenting the Militia*, for the Purpose of keeping therein the Arms, Accoutrements, Clothing, and other Stores belonging to any Regiment, Battalion, or Corps of Militia when not embodied, and the Hire or Cost of which Place may have been paid by the Treasurer of any County, Riding, or Place out of the County Rates of the same, according to the Provisions of the said Act, hath or at any Time hereafter shall, from Change of the Occupation of the adjoining Property or other Causes, become insecure or unfit for such Purpose, or the Public Convenience may require the same to be changed or sold, the Justices of such County, Riding, or Place assembled at any General Quarter Session of the Peace, after Representation made to them of such Insecurity or Unfitness or Inconvenience by the Lord Lieutenant of such County, and the Colonel of such Regiment, Battalion, or Corps, and Evidence thereof given to the Satisfaction of the said Justices so in Quarter Sessions assembled, to order some other convenient and proper Place to be provided or built for the Purpose of keeping therein the Arms, Accoutrements, Clothing, and other Stores belonging to any Regiment, Battalion, or Corps of Militia when not embodied, the Purchase, Hire, or Cost of which Place, in case the same shall be approved of by the Lord Lieutenant and Colonel of Militia of such County, Riding, or Place, shall be paid for by the Treasurer of such County, Riding, or Place, out of the County Rates.

Providing Place for Arms, &c. 42 G. 3. c. 90.

XXXVII. And be it enacted, That in all such Cases as aforesaid the Persons or Person in whom such Place which may have become insecure or unfit for the Purposes aforesaid may be vested, upon Service upon them or him of an Order made at any Court of Quarter Sessions of the Peace, setting forth that another and more convenient and

Sale of Place not required.

proper Place has been provided for the Purpose aforesaid, whereby the Place so purchased for the Purpose aforesaid has become useless, shall proceed forthwith, in such Manner as they shall think best, to sell and convey and assure the same to any Purchaser or Purchasers thereof, freed and discharged from the Uses or Trusts to which it had theretofore been liable and subject, and give Receipts and Acquittances for the Purchase Money or Purchase Mônies thereof, and shall, upon Receipt of the Money arising therefrom, after deducting thereout all Costs and Charges attending such Sale or Sales, pay the same unto the Treasurer of such County, Riding, or Place, to be by him applied and paid towards the Cost of such Place to be so purchased as aforesaid, or the fitting up the same, and in case no such Place shall be so purchased, then toward the Expenses of fitting up such Place which may be so hired as aforesaid for the Purposes aforesaid, and the Residue of such Purchase Money (if any) shall be invested in the Public Funds, and the Interest thereof applied in aid of the Rate of such County or Riding, according as the Justices of the same in Quarter Session assembled may direct; and no Person purchasing any Place so sold as aforesaid shall be bound to inquire whether any of the Circumstances have arisen under which it has been determined to sell the same as aforesaid, nor shall he be bound to see to the Application or Nonapplication of his, her, or their respective Purchase Monies; and when and as soon as the Persons or Person in whom such Place shall have been so vested as aforesaid shall have paid to the said County Treasurer the clear Proceeds arising from such Sale or Sales, and shall have procured from such Treasurer his Receipt for the same, then and from thenceforth such Persons or Person shall be forthwith discharged from all Liability, Claim, or Demand in respect of the said Place so vested in him or them for the Purposes aforesaid, and also from all Liability, Claim, or Demand in respect of the Proceeds arising from the Sale of such Place; and such Receipt shall be a Bar to the Claim of any Person or Persons whatsoever in such County, Riding, or Place, or any Person or Persons claiming under them any Right, Title, or Estate to such Place or the Proceeds thereof.

All Things in this Act relating to Counties shall extend to Ridings, Shires, &c.

XXXVIII. And be it enacted, That all Things in this Act contained relating to Counties, and to Regiments of Militia respectively, shall be construed to extend to all Ridings, Shires, Stewartries, Cities, and Places, and to all Battalions, Corps, and independent Companies respectively, and to the Corps of Miners of *Cornwall* and *Devon*.

Continuance of Act.

XXXIX. And be it enacted, That this Act shall take effect and continue in force from the Thirty-first Day of *July* One thousand eight hundred and forty-nine until the First Day of *August* One thousand eight hundred and fifty.

TABLE

## TABLE to which this Act refers.

SCALE of RATES of REMUNERATION to the Clerks of General and Subdivision Meetings of Lieutenancy in Great Britain, including the Clerks of the Tower Hamlets and the Stannaries of Cornwall and Devon, and to Schoolmasters, Constables, and other Officers in Scotland, for carrying into execution Two Acts of Parliament passed in the Forty-second Year of the Reign of King George the Third, c. 90. and 91., and other Acts relating to the Militia.

### ALLOWANCES TO THE CLERKS OF GENERAL MEETINGS.

| | £ | s. | d. |
|---|---|---|---|
| 1. For Trouble in calling a General Meeting by Circular Letters or Advertisements (no separate Charge being made for writing the Letters or framing the Advertisements) - | 0 | 7 | 6 |
| 2. For attending General Meetings at which the Statutory Quorum of Lieutenancy shall be present, each - - | 5 | 5 | 0 |
| For each Meeting which shall be necessarily adjourned by the Clerk in consequence of the Absence of the Lord Lieutenant or Deputy Lieutenants - - - | 1 | 11 | 6 |
| Which Allowances are to be in full for engrossing Minutes, &c. | | | |
| 3. For filling up printed Precepts to the High or Chief Constable of each Subdivision, Hundred, Lathe, Rape, or Wapentake in England and Wales, including the Tower Hamlets, and the Stannaries of Cornwall and Devon, to return Lists, each | 0 | 0 | 6 |
| For filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland to return Lists, each - - - - - - | 0 | 0 | 6 |
| 4. For writing the annual Advertisements for regulating, arranging, and fixing the First Subdivision Meeting of the Deputy Lieutenants for receiving the Parochial Lists and hearing Appeals - - - - - - - | 0 | 7 | 6 |
| 5. For arranging Subdivision Lists and making Abstracts thereof, Schedule (D.), for the Privy Council, the Secretary of State, and the Secretary at War (the latter Copy to be annexed to the Clerk's Accounts as a Voucher); videlicet, | | | |
| In Counties furnishing a Quota of 200 Men or under in the original Number of the Militia - - - | 2 | 2 | 0 |
| In Counties furnishing from 201 to 400 Men - - | 3 | 3 | 0 |
| Ditto - - from 401 to 600 Men - - | 4 | 4 | 0 |
| Ditto - - from 601 to 800 Men - - - | 5 | 5 | 0 |
| Ditto - - from 801 Men and upwards - | 6 | 6 | 0 |
| 6. For striking the Proportion of Men to serve for the several Hundreds, Rapes, Lathes, Wapentakes, or other Divisions of a County in England and Wales, and for each respective Parish or other Division of a County or Stewartry in Scotland, under the several Acts of Parliament relating to the Regular Militia, when necessary to be done: | | | |
| In Counties furnishing a Quota of 200 Men or under - | 1 | 1 | 0 |
| Ditto - - - from 201 to 400 Men - | 2 | 2 | 0 |
| Ditto - - - from 401 to 600 Men - | 3 | 3 | 0 |
| Ditto - - - from 601 to 800 Men - | 4 | 4 | 0 |
| Ditto - - - from 801 Men and upwards | 5 | 5 | 0 |

| | £ | s. | d. |
|---|---|---|---|
| 7. For Trouble in engrossing in a Book the Names of the Men contained in each Subdivision Return of Enrolment, Schedule (E.): | | | |
| For engrossing 50 Names and under - - | 0 | 5 | 0 |
| Ditto - 51 to 150 Names - - - | 0 | 10 | 0 |
| Ditto - 151 to 250 Names - - - | 1 | 0 | 0 |
| Ditto - 251 Names and upwards - - - | 1 | 10 | 0 |
| 8. For drawing out fair Copy of the Lord Lieutenant's annual Return of the Militia for the County, containing the Number, Names, and Rank of the Officers, and the Number of the Non-commissioned Officers, Drummers, and Private Men: | | | |
| In Counties furnishing One Regiment, Battalion, or Corps - - - - - - | 0 | 15 | 0 |
| Ditto - Two - Ditto - - | 1 | 10 | 0 |
| Ditto - Three - Ditto - - | 2 | 0 | 0 |
| No separate Charge being made for Attendance upon the Lord Lieutenant or Deputy Lieutenants for his or their Signatures thereto. | | | |
| Note.—This Allowance is of course only chargeable by the General Clerks for those Counties in Scotland which furnish the greatest Proportion of Men towards the Formation of the Regiment, Battalion, or Corps. | | | |
| 9. For Stationery: | | | |
| To the Clerk of General Meetings in a County where the Number in the original Quota of the Militia is under 300 Men - - - - - - | 2 | 0 | 0 |
| Ditto - from 301 to 600 Men - - | 3 | 0 | 0 |
| Ditto - from 601 to 900 Men - - | 4 | 0 | 0 |
| Ditto - from 901 Men and upwards - - | 5 | 0 | 0 |
| 10. For Copyings, Correspondence, &c. &c.: | | | |
| To the Clerk of the General Meetings in a County where the Number of the original Quota of the Militia is 200 Men or under - - - - - | 2 | 0 | 0 |
| In a County furnishing from 201 to 400 Men - - | 3 | 0 | 0 |
| Ditto - - from 401 to 600 Men - - | 4 | 0 | 0 |
| Ditto - - from 601 to 800 Men - - | 5 | 0 | 0 |
| Ditto - - from 801 Men and upwards - | 6 | 0 | 0 |
| 11. The actual Amount expended for printing and publishing the Advertisements, for Postages, Expresses, and Messengers, to be allowed upon an Account, specifying each Article of Postage, &c., certified specially by the Lieutenancy, whose Certificate shall state that the same were necessary and actually performed. | | | |
| The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid. | | | |

TRAINING AND EXERCISE.

| | | | |
|---|---|---|---|
| 12. For filling up printed Notices to the Clerks of Subdivision Meetings of the Time and Place fixed by the Lord Lieutenant or Deputy Lieutenants for assembling the Militia to be trained and exercised, each Notice - - - | 0 | 0 | 6 |
| 13. For making out correct Abstracts from the Adjutant's or other Commanding Officer's Returns, Schedule (F.), in the Form Schedule (G.), for Her Majesty's Secretary of State for the Home Department in Counties in England and | | | |

| | £ | s. | d. |
|---|---|---|---|
| Scotland furnishing a Quota towards the Formation of an entire Regiment or Battalion - - - - | 1 | 0 | 0 |
| In Counties in England, Wales, and Scotland furnishing One Regiment, Battalion, or Corps - - | 2 | 0 | 0 |
| Ditto - Two - Ditto - - | 3 | 0 | 0 |
| Ditto - Three - Ditto - - | 4 | 0 | 0 |

ALLOWANCES TO CLERKS OF SUBDIVISION MEETINGS.

| | £ | s. | d. |
|---|---|---|---|
| 14. For Trouble in calling a Subdivision Meeting by Advertisement, no separate Charge being made for writing Letters or framing Advertisement - - - - | 0 | 5 | 0 |
| Or for calling a Meeting by Circular Letters to the Deputy Lieutenants, the Adjutant, or other Commanding Officer, (no Charge being made for the Draft,) for each Letter - | 0 | 1 | 0 |
| 15. For attending Subdivision Meetings, for each of the Three first or principal Meetings at which the Statutory Quorum of Lieutenancy shall be present; videlicet, For receiving Lists and hearing Appeals, For balloting, For enrolling, And for the Meeting held to apportion the Deficiencies among the Parishes, et cetera, when necessary to be done; and also for calling out the Quota or Apportionment of the Subdivision to be trained and exercised, which Allowance shall be in full for engrossing Minutes and making up Lists - - - - | 2 | 2 | 0 |
| And for each Meeting held by Adjournment to complete the Business of any or either of the Three first or principal Meetings above enumerated, which Allowance shall be in full for engrossing Minutes and making up Lists - - | 1 | 5 | 0 |
| And for each Meeting which shall have been summoned, but which is necessarily postponed by the Subdivision Clerk in consequence of the Absence of the Deputy Lieutenant - - | 0 | 15 | 0 |
| 16. For filling up printed Precepts to the Chief or High Constables in England and Wales, including the Tower Hamlets and Stanneries of Cornwall and Devon, to give Notice of the Number of Men apportioned to serve for each Parish, and to issue out their Orders to the Petty Constables to serve Notices upon balloted Men, each Precept - - | 0 | 0 | 6 |
| And for filling up printed Precepts to the Schoolmasters, Chief Constables, or other Officers in Scotland, for the Performance of similar Duty, each Precept - - - | 0 | 0 | 6 |
| 17. For Trouble in amending the Returns of Persons liable to serve in the Regular Militia, by taking out the Names of all Persons who may appeal, and whose Appeals or Claims of Exemption have been allowed, and inserting the Names of any Persons that have been omitted to be inserted, and in numbering the Returns, and making out the Tickets for the balloting, after the Rate of Two Pounds for every One thousand Names of Persons returned liable to serve, and so in proportion for a greater or smaller Number of Men | £2 per 1,000 | | |
| 18. For making out the annual Abstracts of Lists, Schedule (C.), for the Use of the Clerk of General Meetings, where the original Quota or Apportionment of the Subdivision is - - 50 Men and under - - - | 2 | 2 | 0 |
| Ditto from 51 to 150 Men - - - - | 3 | 3 | 0 |
| Ditto from 151 to 250 Men - - - | 4 | 4 | 0 |
| Ditto from 251 Men and upwards - - - | 5 | 5 | 0 |

| | £ | s. | d. |
|---|---|---|---|
| 19. For making out fair and true Copies of Lists of Men enrolled for each Subdivision of a County in Great Britain, including the Tower Hamlets and the Stannaries of Cornwall and Devon, for the Use of the Clerk of General Meetings, Schedule (E.), and the Colonel or Commandant of the Regiment of the County; (videlicet,) | | | |
| For a Roll containing 50 Names and under - - | 0 | 5 | 0 |
| Ditto from 51 to 150 Names - - - - | 0 | 10 | 0 |
| Ditto from 151 to 250 Names - - - - | 0 | 15 | 0 |
| Ditto from 251 Names and upwards - - - | 1 | 0 | 0 |
| 20. For Stationery to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,) | | | |
| For a Subdivision furnishing 50 Men and under - - | 1 | 10 | 0 |
| Ditto from 51 to 150 Men - - - | 2 | 0 | 0 |
| Ditto from 151 to 250 Men - - - | 2 | 10 | 0 |
| Ditto from 251 Men and upwards - - - | 3 | 0 | 0 |
| 21. For Correspondence, Copyings, et cetera, to the Clerk of a Subdivision furnishing Men towards the Quota of a County in the following Proportions; (videlicet,) | | | |
| For a Subdivision furnishing 50 Men and under - | 2 | 0 | 0 |
| Ditto from 51 to 150 Men - - - - | 3 | 0 | 0 |
| Ditto from 151 to 250 Men - - - | 4 | 0 | 0 |
| Ditto from 251 Men and upwards - - | 5 | 0 | 0 |
| 22. The actual Amount expended for printing and publishing Advertisements, for Postage, Expresses, and Messengers, to be allowed upon an Account specifying each Article of Postage, and specially certified by the Lieutenancy, whose Certificate shall state that the same was necessary and actually performed. | | | |
| The Charge for printing and publishing Advertisements is invariably to be supported by the Receipt of the Person to whom paid. | | | |
| 23. For Trouble in apportioning and distributing to the Constables of the several Townships, Parishes, et cetera, within the Limits of the Subdivision, the various Forms of Schedules, et cetera: | | | |
| For a Subdivision furnishing 50 Men and under - - | 0 | 5 | 0 |
| Ditto from 51 to 150 Men - - - - | 0 | 10 | 0 |
| Ditto from 151 to 250 Men - - - | 0 | 15 | 0 |
| Ditto from 251 Men and upwards - - | 1 | 0 | 0 |

TRAINING AND EXERCISE.

| | | | |
|---|---|---|---|
| 24. For filling up printed Precepts to the High or Chief Constable in each Subdivision of any County in England and Wales, including the Tower Hamlets and the Stannaries of Cornwall and Devon, to issue out their Warrants to the Petty Constables, Tithingmen, or other Officers within their respective Hundreds to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia: | | | |
| For each Precept containing 50 Names and under - | 0 | 5 | 0 |
| Ditto from 51 to 150 Names - - - | 0 | 10 | 0 |
| Ditto from 151 to 250 Names - - | 0 | 15 | 0 |
| Ditto from 251 Names and upwards - - | 1 | 0 | 0 |

| | £ | s. | d. |
|---|---|---|---|
| And for filling up printed Precepts to the Chief Constables, and to the Schoolmasters, Constables, or other Officers of the Parishes within the Subdivision of any County, Stewartry, City, or Place in Scotland, to give Notice in Writing to the Men enrolled to attend the Training and Exercise of the Militia: | | | |
| For each Precept containing 10 Names and under - | 0 | 0 | 6 |
| Ditto from 11 to 30 Names - - | 0 | 1 | 0 |
| Ditto from 31 to 50 Names - - - | 0 | 2 | 6 |
| Ditto from 51 to 70 Names - - - | 0 | 4 | 0 |
| Ditto from 71 to 100 Names - - - | 0 | 7 | 0 |
| Ditto from 100 upwards - - - - | 0 | 10 | 0 |
| 25. For making out full and true Lists of the Names and Dates of Enrolment of all Persons enrolled within each Subdivision respectively, for the Use of the Commanding Officer and Adjutant of each Regiment, Battalion, or Corps of any County, Stewartry, City, or Place in Great Britain, previously to the Training and Exercise: | | | |
| For a Roll containing 20 Names and under - - | 0 | 2 | 0 |
| Ditto from 21 to 50 Names - - - - | 0 | 5 | 0 |
| Ditto from 51 to 150 Names - - - | 0 | 10 | 0 |
| Ditto from 151 to 250 Names - - - | 0 | 15 | 0 |
| Ditto from 251 and upwards - - - - | 1 | 0 | 0 |
| 26. For correcting the Books of Enrolment of the Subdivision so as to correspond accurately with the Extracts from the Adjutant's or other Commanding Officer's Return, Schedule (F.), of the State of the Classes of the Men forming the Quota or Apportionment serving in the Regiment, Battalion, or Corps of Militia of any County, Stewartry, City, or Place in Great Britain: | | | |
| For a Subdivision furnishing 50 Men and under - | 0 | 5 | 0 |
| Ditto from 51 to 150 Men - - - | 0 | 10 | 0 |
| Ditto from 151 to 250 Men - - - | 0 | 15 | 0 |
| Ditto from 251 and upwards - - - | 1 | 0 | 0 |

## ALLOWANCES TO SCHOOLMASTERS IN SCOTLAND.

| | | | |
|---|---|---|---|
| 27. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - - | 0 | 5 | 0 |
| 28. For making out Lists, for each Folio consisting of Sixty Lines - - - - - - - - - - | 0 | 1 | 0 |
| 29. For attending Meetings of Lieutenancy, each Meeting - | 0 | 10 | 0 |
| 30. For filling up and delivering Notices to balloted Men, per Day - - - - - - - - | 0 | 5 | 0 |
| 31. For Stationery, per Annum - - - - | 0 | 5 | 0 |

## ALLOWANCES TO CONSTABLES IN SCOTLAND.

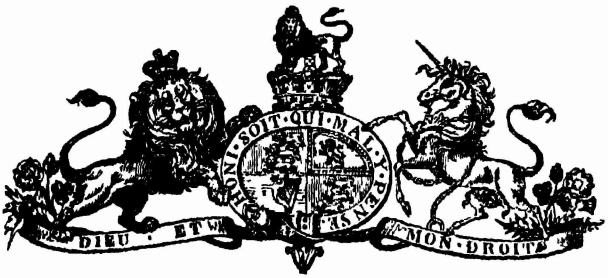
| | | | |
|---|---|---|---|
| 32. For filling up and delivering Notices to Householders, for each Day consisting of Eight Hours - - - | 0 | 4 | 0 |
| 33. For making out Lists, for each Folio consisting of Sixty Lines - - - - - - | 0 | 1 | 0 |
| 34. For attending each Meeting of Lieutenancy, per Day - | 0 | 4 | 0 |
| 35. For filling up and delivering Notices to balloted and enrolled Men, per Day - - - - - | 0 | 4 | 0 |
| 36. For Stationery, where the Lists are made out by the Constables, per Annum - - - - - | 0 | 5 | 0 |

SPECIAL CONTINGENT ALLOWANCES applicable to the Clerks of General Subdivision Meetings of Lieutenancy respectively.

37. When it is necessary to call the Person from a Distance to perform the Duty of a General or Subdivision Clerk such Person shall have an Allowance for his travelling Expenses not exceeding Nine-pence per Mile, and the Expenses of Tolls and Ferry Money; but the Particulars of such Expenses shall be specified in a Statement, and certified by the Lieutenancy, and transmitted in support of the Charge in the Clerk's annual Account.

38. The Expense necessarily incurred for the Use of the Room at the Place of Meeting to be allowed upon the Production of the Receipt of the Person to whom the same may be paid.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.




ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. LXXVI.

### An Act to protect Women from fraudulent Practices for procuring their Defilement.

[28th *July* 1849.]

FOR the better preventing the heinous Offence of procuring the defiling of Women, which certain infamous Persons do most wickedly practise, Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person shall, by false Pretences, false Representations, or other fraudulent Means, procure any Woman or Child under the Age of Twenty-one Years to have illicit carnal Connexion with any Man, such Person shall be guilty of a Misdemeanor, and shall, being duly convicted thereof, suffer Imprisonment for a Term not exceeding Two Years, with hard Labour.

Punishment of Persons procuring Defilement of Women.

II. And be it enacted, That where any Prosecutor or other Person shall appear before any Court on Recognizance to prosecute or give Evidence against any Person charged with any Offence against this Act, every such Court is hereby authorized and empowered, whether any Bill of Indictment for such Charge shall or shall not be actually preferred, to order Payment of the Costs and Expenses of the Prosecutor

Where Persons appear as Prosecutor, &c., Court empowered to award Costs and Compensation for Loss of Time.

Prosecutor and Witnesses for the Prosecution, in the same Manner as Courts are now by Law authorized and empowered to order the same in Cases of Prosecutions for Felony.

Order for Payment of Money shall be made out as Orders for Payment of Costs in Cases of Felony, and Treasurer to be allowed the same in his Accounts.

III. And be it enacted, That every Order for the Payment of any Money by virtue of this Act shall be made out and delivered by the proper Officer of the Court unto such Prosecutor or other Person upon the same Terms and in the same Manner in all respects as Orders for the Payment of Costs are now made in Cases of Felony, and the Treasurer or other Person when any such Order shall be made shall be and he is hereby required, upon Sight of such Order, forthwith to pay to the Person therein named, or to any one duly authorized in that Behalf, the Money in such Order mentioned, and such Treasurer or other Person shall be allowed the same in passing his Accounts.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMÒ TERTIO

# VICTORIÆ REGINÆ.

***

or proceeding from the Commissioners in pursuance of this Act; and all such Orders, Conveyances, and other Instruments, or Copies thereof, purporting to be sealed with the Seal of the Commissioners, shall be received in Evidence without any further Proof thereof.

Two Commissioners to be a Quorum.

III. And be it enacted, That all Acts, Matters, and Things which the Commissioners are by any of the Provisions of this Act required or authorized to do or execute shall and may be done and executed by any Two of such Commissioners.

Power to appoint and remove Secretary, Clerks, &c.

IV. And be it enacted, That it shall be lawful for the Commissioners, from Time to Time, (with the Consent in every Case of the Commissioners of Her Majesty's Treasury,) to appoint a Secretary, and such Clerks, Messengers, and Officers as they shall deem necessary for the Purposes of this Act, and to remove such Secretary, Clerks, Messengers, and Officers, or any of them.

Appointments under this Act limited to Five Years.

V. And be it enacted, That no Commissioner, Secretary, or other Officer to be appointed as aforesaid shall hold his Office for a longer Period than Five Years next after the Day of the passing of this Act, and thenceforth until the End of the then next Session of Parliament.

Salaries to be paid out of Monies to be provided by Parliament.

VI. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to direct a Salary not exceeding Three thousand Pounds by the Year to be paid to one of the said Commissioners, and a Salary not exceeding Two thousand Pounds by the Year to each of the other Commissioners for the Time being appointed under this Act; and the Salaries of the Secretary, Clerks, Messengers, and other Officers to be appointed under this Act shall be from Time to Time regulated by the Commissioners of Her Majesty's Treasury; and the Salaries of such Commissioners, Secretary, Clerks, Messengers, and Officers as aforesaid, and all other incidental Expenses of carrying this Act into execution not herein otherwise provided for, shall be paid out of such Monies as shall be provided by Parliament.

Commissioners not to sit in House of Commons.

VII. And be it enacted, That no Commissioner appointed under this Act shall during his Continuance in such Office be capable of being elected or of sitting as a Member of the House of Commons.

Oath of Commissioners.

VIII. And be it enacted, That every Commissioner appointed under this Act shall, before he enters upon the Execution of his Office, take the following Oath before One of the Justices of the Court of Queen's Bench or Common Pleas, or One of the Barons of the Court of Exchequer, in *Ireland;* (that is to say,)

'I *A.B.*

'I *A.B.* do swear, That I will faithfully, impartially, and honestly, 'according to the best of my Skill and Judgment, fulfil all the 'Powers and Duties of a Commissioner under an Act passed in 'the Twelfth Year of the Reign of Queen Victoria, intituled [*here* '*set forth the Title of this Act*]:'

And the Appointment of every such Commissioner, with the Time when and the Name of the Justice or Baron before whom he shall have taken the said Oath, shall be forthwith published in the *Dublin Gazette.*

Commissioners to frame and promulgate Forms of Application, &c.

IX. And be it enacted, That the Commissioners shall frame, and cause to be printed and circulated or promulgated, as they shall see occasion, Forms of Application and Directions indicating the Particulars of the Information to be furnished to the Commissioners, on Application to them under this Act, with reference to Title, Incumbrances, and the Circumstances of the Land, and such other Information as in the Judgment of the Commissioners may assist them in forming an Opinion on such Application, and also such other Forms and Directions as the Commissioners may deem requisite or expedient for facilitating Proceedings under this Act.

Commissioners to make General Rules for regulating Proceedings under this Act.

X. And be it enacted, That the Commissioners shall from Time to Time make such General Rules as they may think best adapted for regulating the Course of Procedure under this Act, and for securing the prompt and due Distribution and Payment of the Monies received upon Sales under this Act amongst or for the Benefit of the Persons entitled thereto, and for the Protection in respect of such Monies of the Interests of Persons under Disability and of future Interests, and generally for securing the due Execution of the Powers vested in the Commissioners under this Act, and giving Effect to the Provisions and Objects of this Act; but no Fees or Sums shall, under any such General Rule or otherwise, be payable to any Officers or Persons appointed under this Act upon or in respect of any Proceedings under this Act, save, in respect of any Copy or Extract of or from any Order, Document, or Proceeding actually required and taken by any Party, such Sum, not exceeding Three Halfpence for every Ninety Words, as shall be paid for the making of such Copy or Extract, and the Commissioners shall authorize to be charged to such Party for the same: Provided that every such General Rule shall be laid before Her Majesty's Privy Council of *Ireland*, and it shall be lawful for such Privy Council, by Order signed by Six of the said Privy Council, to confirm or disallow any such Rule, or to alter or amend, and confirm with Alteration or Amendment, any such Rule, or to remit any such Rule to the Commissioners

No Fees to be payable on Proceedings.

Rules to be laid before the Privy Council of Ireland.

Rules, when confirmed by Privy Council, and enrolled in Chancery, to have the Force of an Act of Parliament.

Rules may be altered.

Commissioners for further Consideration; and every such General Rule (when the same shall have been confirmed by Order of the said Privy Council) shall be enrolled in the High Court of Chancery in *Ireland*, and when so enrolled shall be binding on the Commissioners in the Exercise of their Powers, and shall be of the same Force and Effect as if the same had been enacted by Authority of Parliament: Provided always, that any Rules so confirmed and enrolled as aforesaid may from Time to Time be rescinded, amended, or altered as Occasion may require by other Rules made by the Commissioners, and confirmed and enrolled in like Manner.

General Rules to be laid before Parliament.

XI. And be it enacted, That all such General Rules as shall be made and confirmed as aforesaid shall be laid before both Houses of Parliament within One Calendar Month from the Confirmation thereof, if Parliament be then sitting, or if Parliament be not then sitting, within One Calendar Month from the Commencement of the then next Session of Parliament.

Power to Commissioners to summon Witnesses, &c.

XII. And be it enacted, That it shall be lawful for the Commissioners by Summons under their Seal to require the Attendance before them, at a Time and Place to be mentioned in such Summons, of all such Persons as they shall think fit to examine in relation to any Question or Matter depending before them, and to require all such Persons to produce before them all Deeds, Books, Papers, Documents, and Writings relating to such Question or Matter, and to examine upon Oath, or, in the Case of Persons allowed to make Affirmation or Declaration in lieu of an Oath, upon Affirmation or Declaration (as the Case may require), all Persons who shall attend under such Summons, and all Persons who shall voluntarily attend before them as Witnesses; and it shall be lawful for any of the Commissioners to administer such Oath, Affirmation, or Declaration; and every Person required by such Summons to attend before the Commissioners, who, without reasonable Cause, to be allowed by the Commissioners, shall fail to appear according to the Tenor of such Summons, or shall refuse to be sworn or to make Affirmation or Declaration (as the Case may be), or shall not make Answer to all such Questions as shall be lawfully put to him by the Commissioners, or shall refuse or fail to produce before the Commissioners any such Deed, Book, Paper, Document, or Writing, being in or under his Custody, Possession, or Power, as shall be lawfully required to be produced by him before the Commissioners, shall for such Default of Appearance, Refusal to be sworn or to make Affirmation or Declaration, or for not answering any such Question as aforesaid, or not producing such Deed, Book, Paper, Document, or Writing, incur and be liable to all such Penalties, Prosecutions, Actions, and Suits as a Person might

might incur or be liable to for failing to appear, or refusing to be sworn or to give Evidence, in any Suit or Matter depending in the High Court of Chancery in *Ireland;* and the Commissioners shall have the like Powers, Jurisdiction, and Authority for enforcing the Attendance of Persons summoned as aforesaid, for punishing Persons failing to appear, or refusing to be sworn or to make Affirmation or Declaration or to give Evidence, or guilty of Contempt, and generally for enforcing all Orders made by the Commissioners under any of the Powers or Authorities vested in them under this Act, and otherwise in relation to the Matters to be inquired into and done by them under this Act, as are by Law vested in the High Court of Chancery in *Ireland* for such Purposes in relation to any Suit or Matter depending in such Court.

Power to Commissioners to proceed upon Affidavits, and to appoint Persons to take Affidavits and Examinations.

XIII. Provided always, and be it enacted, That the Commissioners may, where they think fit, receive in Evidence Affidavits; and such Affidavits may be made before any Person empowered to take Affidavits which may be received in Evidence in the Court of Chancery in *Ireland*, or, where they think fit, the Commissioners may by Order under their Seal appoint and authorize any Person to take Affidavits, or to examine any Witness or Witnesses who shall attend before such Person to be examined, in *Ireland* or elsewhere, in relation to any Application to or Matter pending before the Commissioners, and to administer Oaths, Affirmations, or Declarations for the Purposes of such Examination.

Orders of Commissioners may be enforced in England.

XIV. And be it enacted, That every Order made by the Commissioners under this Act, a Copy whereof shall be certified under their Seal to the High Court of Chancery in *England*, may be enrolled in like Manner and enforced by the like Process as an Order for Payment or for accounting for Money made by the High Court of Chancery in *Ireland* a Copy whereof is exemplified and certified to the said Court of Chancery in *England* under the Great Seal of *Ireland* may be enrolled and enforced under an Act passed in the Forty-first Year of King *George* the Third, intituled *An Act for the more speedy and effectual Recovery of Debts due to His Majesty, His Heirs and Successors, in right of the Crown of the United Kingdom of* Great Britain *and* Ireland, *and for the better Administration of Justice within the same.* 41 G. 3. c. 90.

Commissioners to be a Court of Record, and have the Jurisdiction of a Court of Equity, and

XV. And be it enacted, That the Commissioners shall be a Court of Record, and shall have all the Powers, Authority, and Jurisdiction of a Court of Equity in *Ireland* for the Investigation of Title, and for ascertaining and allowing Incumbrances and Charges and the Amounts due thereon, and settling the Priority of such Charges and Incum-

 brances

may refer any Inquiries, &c. to any One Commissioner.

brances respectively, and the Rights of Owners and others, and generally for ascertaining, declaring, and allowing the Rights of all Persons in any Land or Lease in respect of which Application may be made under this Act, or in the Money to arise from Sales under this Act, and shall have the like Authority and Jurisdiction for enforcing, rescinding, or varying any Contract for Sale made under this Act, and in other Matters incident to or consequent on a Sale under this Act, as are vested in a Court of Equity in relation to a Sale under the Direction of such Court, but their Procedure shall be according to such General Rules as aforesaid, or, where the General Rules shall be inapplicable, at the Discretion of the Commissioners; and the Commissioners shall have Power, in relation to any Matter or Question before them, to send Cases for the Opinion of a Court of Law, and to direct Issues of Fact to be tried by a Jury; and, subject to any such General Rules as aforesaid, the Commissioners may refer to any One of such Commissioners any such Inquiries and Matters as they may think fit, and such One Commissioner shall, for all the Purposes of this Act, have in relation to all such Inquiries and Matters as shall be so referred to him the like Powers, Authorities, and Jurisdiction as the Commissioners or any Two of them would have under this Act.

Where Land or Lease of Land in Ireland is subject to Incumbrance, Owner may apply to Commissioners for a Sale.

XVI. And be it enacted, That where Land in *Ireland*, or a Lease in Perpetuity, or any Lease for a Term whereof not less than Sixty Years shall be unexpired at the Time of such Application as hereinafter mentioned, or any Church or College Lease, of Land in *Ireland*, shall be subject to any Incumbrance, it shall be lawful for the Owner of such Land or Lease, within Three Years from the passing of this Act, to apply to the Commissioners for a Sale of such Land or Lease under the Provisions of this Act.

Incumbrancer may apply to Commissioners for Sale for discharging the Incumbrances.

XVII. And be it enacted, That where any Land in *Ireland*, or any such Lease as aforesaid of Land in *Ireland*, shall be subject to any Incumbrance, it shall be lawful for any Incumbrancer on such Land or Lease, within Three Years from the passing of this Act, to apply to the Commissioners for a Sale under the Provisions of this Act of the whole or Part (as in the Judgment of the Commissioners may appear necessary) of such Land or Lease, for the Purpose of discharging the Incumbrances thereon.

No Application to be entertained unless Costs of any previous Application paid.

XVIII. And be it enacted, That where Application for a Sale of any Land or Lease has been dismissed with Costs by a competent Tribunal, no Application by the same Party for a Sale of such Land or Lease, or any Part thereof, shall be entertained by the Commissioners, unless it is shown that such Costs have been paid.

XIX. Pro-

XIX. Provided always, and be it enacted, That for the Purpose of authorizing an Application for a Sale under this Act the Land shall not be deemed subject to an Incumbrance where the same shall not affect the Inheritance, unless such Incumbrance shall affect a Term of not less than Fifty Years absolute unexpired, or a greater Estate in such Land, and shall have been created by the Owner of an Estate of Inheritance, or by a Person who, but for an Act which is void against or postponed at Law or in Equity to such Incumbrance, would be the Owner of an Estate of Inheritance, but an Incumbrance charged under a Power created by the Owner of an Estate of Inheritance shall be deemed to have been created by such Owner; and such Lease in Perpetuity or other Lease as aforesaid shall not be deemed subject to an Incumbrance where the same shall affect a derivative Estate or Interest only, or less than the whole Estate created or agreed to be created by such Lease in Perpetuity or other Lease as aforesaid, unless such Incumbrance shall have been created by the Owner of or Person entitled to the whole Estate created or agreed to be created by such Lease in Perpetuity or other Lease as aforesaid, or by a Person who, but for an Act which is void against or postponed at Law or in Equity to such Incumbrance, would be such Owner or so entitled, but any Incumbrance charged under a Power created by the Owner of or Person entitled to such whole Estate as aforesaid shall be deemed to have been created by such Owner or Person so entitled.

Where Lands or Lease not to be deemed subject to Incumbrance.

XX. And be it enacted, That when any Incumbrance shall be subject to any Limitations of Estate or Interest, or shall be held upon any Trust, the Commissioners may proceed and act upon an Application or Consent under this Act made or given in respect of such Incumbrance by the first Person entitled to the Income of such Incumbrance, or by any Trustee thereof, or other Person whose Estate or Interest in the Incumbrance appears to the Commissioners sufficient to enable him properly to apply or consent in respect of the Interests of the Parties interested in the Incumbrance.

When Incumbrance subject to Limitations, the first Person entitled, &c. to make Application.

XXI. And be it enacted, That if upon any Application for a Sale under this Act, or upon any Information or Evidence which may be required by and produced to the Commissioners in relation to the Matter of such Application, it shall appear to the Commissioners that a Sale of the Land or Lease to which the Application may relate, or any Part thereof, may be found to be expedient, they shall direct Notices to be given to such Persons and in such Manner as they think fit, and shall, where any Parties interested in the Land or Lease apply to them for that Purpose, hear such Parties, by themselves, their Counsel or Agents, and shall, so far only as may be necessary to enable them to

Commissioners, upon Application for Sale, may, after Notices and Hearing, direct a Sale.

to determine whether under all the Circumstances it is expedient that a Sale of all or any Part of the Land or Lease should be made, investigate the Title and the Incumbrances affecting the Land or Lease, and the State and Circumstances of the Land, or of the Land comprised in the Lease, and, if it shall in their Opinion be expedient that such a Sale should be made, may, at their Discretion, make an Order for the Sale of all or any Part of such Land or Lease.

Commissioners not to make Order for Sale on Application by Incumbrancer where the Interest and annual Payments on Charges do not exceed Half the net Income.

XXII. Provided always, and be it enacted, That the Commissioners shall not make an Order for Sale of any Land or Lease, or any Part thereof, upon Application by an Incumbrancer on such Land or Lease, in case it be shown to the Satisfaction of the Commissioners, by the Owner of such Land or Lease, that no Part of such Land or Lease is subject to any Receiver or in the Possession of any Incumbrancer, and that the Amount of the yearly Interest on the Incumbrances and other yearly Payments (if any) in respect of Charges payable out of the Income of such Land or Lease, and the other Lands or Leases (if any) subject to the Incumbrance of such Incumbrancer, do not exceed One Half of the net yearly Income (after the Payment of all Tithe Rent-charge, such Part of the County Cess and Poor's Rate as is payable by the Owner, and all Crown, Quit, and Head Rent,) of such Land or Lease, or of all the Lands or Leases so subject: Provided always, that the Decision of the said Commissioners thereupon shall in all Cases be final and conclusive to all Intents and Purposes whatsoever.

Tenancies, &c. to be ascertained.

XXIII. And be it enacted, That where a Sale shall be made under this Act the Commissioners shall, where and so far as they may deem necessary for the Purposes of such Sale, ascertain the Tenancies of the occupying Tenants, and of any Lessees or Under-lessees whose Tenancies, Leases, or Under-leases affect the Land or Lease, or Part thereof, to be sold, and may give such Notices and make or cause to be made such Inquiries as they shall think necessary for ascertaining and securing the Rights of such Tenants, Lessees, or Under-lessees as aforesaid; and all occupying Tenants, and all Persons being or claiming to be Lessees or Under-lessees as aforesaid, shall, at such Times and Places as the Commissioners may by their Notices require, produce all Leases, Under-leases, and Agreements in Writing under which such Tenants or Persons occupy or claim to hold, if such Leases, Under-leases, or Agreements, or Counterparts thereof, be in their Possession or Power, and where they occupy or claim to hold under Leases, Under-leases, or Agreements in Writing not in their Possession or Power, or under parol Agreements or Lettings, they shall deliver, at such Times and Places as aforesaid, Particulars of the Terms and Conditions

ditions upon and subject to which they occupy or claim to hold; and the Sale shall be made subject to the Tenancies, Leases, or Under-leases, ascertained as aforesaid, and subject to which the Owner or Incumbrancer applying for a Sale under this Act shall be Owner or Incumbrancer, and such other of the Tenancies, Leases, and Under-leases, ascertained as aforesaid, as shall appear to the Commissioners to have been granted *bonâ fide* by the Owner or Person in possession or in receipt of the Rents and Profits, and subject to which it shall appear to the Commissioners the Sale should be made, save such (if any) of such respective Tenancies, Leases, and Under-leases as, with Consent as herein-after mentioned, shall be included in such Sale, and, where the Commissioners think fit, be made subject to any Leases, Under-leases, or Tenancies, according to any general Description or subject to any Condition concerning any Leases, Under-leases, or Tenancies the Nature of which shall not have been ascertained or shall be disputed; and, when the Commissioners shall think fit, such Sale may be made subject to any annual Charge affecting the Land or Lease, or Part thereof, sold, or to any such apportioned Part of such annual Charge as the Commissioners may think fit should remain charged thereon; and where such Land or Lease, or Part thereof, is subject to any Incumbrance under the Terms of which the Incumbrancer cannot be required to accept Payment of the Principal Money before the Expiration of a Term of Years unexpired, such Sale may, if the Commissioners think fit, be made subject to such Incumbrance.

Sale may be made subject to an annual Charge.

XXIV. And be it enacted, That where the Commissioners make an Order for Sale, the Land or Lease, or Part thereof, to which such Order shall relate shall be sold, by or under the Control and Direction of the Commissioners, by public Sale or private Contract, together or in Lots or Parcels, at such Time and Place and generally in such Manner as the Commissioners think fit; and the Conveyance or Assignment of the Land or Lease, or Part thereof, shall be made by the Commissioners under their Seal, and shall be signed by Two of the Commissioners, and the Execution by any other Party of such Conveyance or Assignment shall be unnecessary; and such Conveyance or Assignment shall express or refer to the Tenancies, Leases, and Under-leases (if any), and Charge (if any), subject to which the Sale is made, and may be in the Form contained in the Schedule to this Act, or to the like Effect, with such Limitation of Uses and other Additions or Variations as, with the Approval of the Commissioners, the Purchaser may direct.

Sale to be under Direction of Commissioners.

Execution by Commissioners sufficient

XXV. And be it enacted, That the Purchase Money in every Case shall be paid into the Bank of *Ireland*, to an Account to be there opened in the Name of the Commissioners, and to the Credit

Payment of Purchase Money.

in each Case of the Estate sold, or as the Commissioners by General Rule or Special Order shall direct; and on the Notification by the said Bank to the Commissioners of the Receipt of the Money, a Certificate by the Commissioners of such Payment shall be endorsed on or written at the Foot of the Conveyance or Assignment; and on such Payment into the Bank the Purchaser shall be discharged from all Liability in respect of the Application of the Money so paid, and such Certificate of the Commissioners shall be Evidence of such Payment.

Where an Incumbrancer purchases, Commissioners may authorize Payment into the Bank of Balance of Purchase Money, after retaining Amount of Incumbrance.

XXVI. Provided always, and be it enacted, That it shall be lawful for any Incumbrancer on or Person otherwise interested in any Land or Lease, or Part thereof, (other than the Incumbrancer or Owner upon whose Application the Sale has been ordered,) to bid at any public Sale, and to become the Purchaser at any public Sale or by private Contract, in like Manner as any Person not interested therein might bid and become the Purchaser; and, by Leave of the Commissioners, it shall be lawful for the Incumbrancer or Owner on whose Application the Sale has been ordered to bid and become the Purchaser; and where an Incumbrancer on any Land or Lease, or Part thereof, shall be the Purchaser of such Land or Lease, or Part thereof, the Commissioners may, where they think fit, authorize such Purchaser to retain out of the Purchase Money the Amount which might have been ordered to be paid thereout in respect of such Incumbrance in case the whole Purchase Money had been paid into the Bank of *Ireland* under this Act, or such Sum on account of such Amount as the Commissioners may think fit, and to pay the Residue only of the Purchase Money into the said Bank; and where at the Time of authorizing such Retainer as aforesaid the Commissioners shall not finally have ascertained and determined the Priority and Rights of such Purchaser in respect of his Incumbrance, and the Amount which he would be entitled to be paid in respect thereof out of the Purchase Money, such Retainer shall be without Prejudice to the Power of the Commissioners to require such Purchaser to pay into the said Bank the whole or any Part of the Amount so retained which ought to be so paid by him; and the Commissioners shall withhold their Certificate of Payment herein-before mentioned until they shall be satisfied that the full Purchase Money, less the Amount which such Purchaser would be entitled to be paid in respect of his Incumbrance, has been paid into the said Bank.

Effect of Assurance.

XXVII. And be it enacted, That every such Conveyance, executed as aforesaid by the Commissioners upon the Sale of Land, shall be effectual to pass the Fee Simple and Inheritance of the Land thereby expressed to be conveyed, subject to such Tenancies, Leases, and Under-

Under-leases as shall be expressed or referred to therein as aforesaid, but, save as aforesaid and as herein-after provided, discharged from all former and other Estates, Rights, Titles, Charges, and Incumbrances whatsoever of Her Majesty, Her Heirs and Successors, and of all other Persons whomsoever; and every such Conveyance or Assignment, executed by the Commissioners upon the Sale of a Lease in Perpetuity or other Lease, shall be effectual to pass the Estate created or agreed to be created by such Lease and then remaining unexpired, subject to the Rent and Covenants annexed to the Reversion expectant on the Determination of such Lease, and to such Tenancies, Leases, and Under-leases as shall be expressed or referred to in such Conveyance or Assignment, but, save as aforesaid and as herein-after provided, discharged from all Rights, Titles, Charges, and Incumbrances whatsoever affecting the Leasehold Estate or Interest: Provided that where any Land or Lease, or Part thereof, shall be sold and conveyed or assigned subject to any annual Charge or apportioned Part thereof, such annual Charge or such apportioned Part thereof only (as the Case may be) shall remain and be charged on and payable out of such Land or Lease, or Part thereof, as in the Conveyance or Assignment shall be expressed.

Saving of Right of Common, &c.

XXVIII. Provided always, and be it enacted, That any such Conveyance or Assignment as aforesaid shall not prejudice or affect any Right of Common, or any Right of Way or other Easement, or any Rent-charge in lieu of Tithes, Crown Rent, or Quit Rent, charged upon or issuing out of any Land, or any Charge made by virtue of an Act passed in the Sixth Year of Her Majesty, intituled *An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in* Ireland, and the Acts amending the same, or by virtue of an Act passed in the Tenth Year of Her Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, save where the Commissioners shall think fit to redeem the Crown Rents or Quit Rents, or to pay off or redeem the Charges under the said Acts or either of them, under the Power herein-after contained, and shall express in such Conveyance or Assignment that the Land conveyed or assigned thereby is so conveyed or assigned discharged of all Crown Rents or Quit Rents, or Charges under the said Acts or either of them, as the Case may be, and in such Case such Land shall be so discharged accordingly.

5 & 6 Vict. c. 89.

10 & 11 Vict. c. 32.

Commissioners may order Delivery of Counterparts of Leases, &c. and Posses-

XXIX. And be it enacted, That the Commissioners shall have Power to order the Delivery to the Purchaser, or as he shall direct, of all Leases or Counterparts of Leases and Agreements, and other Evidences of the Tenancies subject to which the Sale shall be made, affecting

sion to Purchaser.

affecting the Land or Lease, or Part thereof, sold, and shall, on the Application of any Purchaser, issue an Order to the Sheriff to put such Purchaser in possession of all Lands not in the Occupation of Lessees, Under-lessees, or Tenants subject to whose Leases, Underleases, or Tenancies the Sale shall have been made, and who shall have attorned to such Purchaser within a Time to be limited in such Order, and such Order shall be executed by the Sheriff in like Manner as a Writ for the Delivery of Possession.

Application of Purchase Money.

XXX. And be it enacted, That the Commissioners shall, out of the Purchase Money to be received on the Sale of any Land or Lease, or Part thereof, under this Act, allow and pay such Costs of and consequential on the Application for the Order for the Sale as they shall think fit, and the Expenses of and incidental to the Sale; and the Surplus of such Purchase Money, after Payment of such Costs and Expenses, shall, under the Order of the Commissioners, be applied in or towards Payment or Satisfaction of the Incumbrances or Charges which affected such Land or Lease, or Part thereof, according to their Priorities, and shall, subject as aforesaid, be paid to the Owner previously to such Sale of such Land or Lease, where such Owner was absolutely entitled thereto, or, where not so entitled, be laid out in the Purchase of Land which shall be limited and settled to the same Uses, upon the same Trusts, for the same Purposes, and in the same Manner as the Land or Lease, or Part thereof, sold, stood settled or limited to, or such of them as shall be then subsisting or capable of taking effect; and until such Money can be so laid out it may, under such Order as aforesaid, be transferred or paid over to Trustees to be appointed or approved by the Commissioners, for the Purpose of being so laid out as aforesaid, with such Power for the Investment thereof in Government Stocks, Funds, or Securities in the meantime, and such Directions for the Payment of the Income of such Investment in the Manner in which the Rents of the Land to be purchased would be applicable, as the Commissioners shall think fit.

Money paid into Bank may be invested in the Funds.

XXXI. And be it enacted, That any Money so paid into the Bank as aforesaid may by Order of the Commissioners be invested in their Name in the Purchase of any Stocks, Funds, or Annuities transferable at the Bank of *Ireland*; and, until the same shall be sold by Order of the Commissioners for the Purposes of this Act, the Dividends thereof shall from Time to Time be applied, under the Order of the Commissioners, in like Manner as the Rents of the Land or Lease, or Part thereof, from the Sale whereof the Money invested in such Stocks, Funds, or Annuities has arisen would have been applicable.

XXXII. And

XXXII. And be it enacted, That whenever the Commissioners shall appoint or shall direct the Appointment of Trustees for any of the Purposes of this Act it shall be lawful for the Commissioners to make or to direct to be made such Provision as they shall think fit for the Appointment of new Trustees, on any Event to be determined by the Commissioners.

Appointment of new Trustees.

XXXIII. Provided always, and be it enacted, That no Payment under this Act towards Discharge of what shall be due on any Incumbrance or Charge, not being Payment in full, shall prejudice or affect any Right or Remedy of the Incumbrancer or the Person entitled to the Charge in respect of the Balance, otherwise than as against the Land or Lease, or Part thereof, sold under this Act; and no Payment under this Act of or in respect of any Incumbrance or Charge shall impair any Right or Equity of any Persons out of whose Estate such Payment shall be made to be reimbursed or indemnified by any Person or out of any other Land or Estate, except so far as the Commissioners under any special Circumstances shall order.

No Payment, not being in full, to affect Right of Incumbrancer for Balance, and no Payment in respect of any Incumbrance to impair Remedy over.

XXXIV. And be it enacted, That it shall be lawful for the Commissioners to sell any Land or Lease, or Part thereof, discharged from any Crown Rent or Quit Rent which they may be enabled and may, with the Consent of the Owner, think fit to purchase, or from any Charge made by virtue of the said Acts of the Sixth Year and Tenth Year of Her Majesty, or either of them, which they may, with such Consent, think fit to pay off or redeem; and in any such Case the Commissioners shall, out of the Money arising from the Sale, and in preference to all other Payments thereout, pay the Consideration for the Purchase of such Crown Rent or Quit Rent, or such Sum as may be necessary for paying off or redeeming such Charge; and it shall be lawful for the Commissioners, where they think fit, to pay to any Person entitled to any annual or other Charge, not being an Incumbrance according to the Definition of this Act, who may consent to accept the same, a gross Sum in discharge or by way of Redemption thereof or of a Part thereof, and where a Part only of any Land or Lease subject to any Incumbrance or Charge is sold, to charge the Part not sold with such Incumbrance or Charge, or an apportioned Part thereof, in exoneration of the Money arising from the Sale, and to enable or authorize Persons to release the Money arising from the Part so sold from any Incumbrance or Charge, or to relinquish their Claim on such Money in respect thereof, without impairing or affecting such Incumbrance or Charge as to the remaining Part of the Land or Lease originally charged; and the Commissioners, where they think fit, may invest or provide for the Investment of Money to meet any

Commissioners may make Provision as to Incumbrances, Charges, &c., to facilitate Sales, &c. and Distribution of Purchase Money.

annual or periodical Charge, or any other Charge, Incumbrance, or Interest, where, by reason of such Charge, Incumbrance, or Interest being contingent or otherwise, it shall appear to the Commissioners proper or expedient so to do, and otherwise may make such Orders and Directions for applying the Money arising from any Sale in such Manner as will secure the convenient Application thereof for the Benefit and according to the Rights of the Parties interested in the Land or Lease, or Part thereof, from the Sale of which the same shall have arisen.

**Power to Commissioners to order Money to be paid into Court of Chancery or Exchequer.**

XXXV. And be it enacted, That where any Money arising from a Sale under this Act is not immediately distributable, or the Parties entitled thereto cannot be ascertained, or where from any other Cause the Commissioners think it expedient for the Protection of the Rights and Interests therein, the Commissioners may order such Money, or any Stocks, Funds, or Securities in which the same may have been invested under this Act, to be transferred to the Account of the Accountant General of the High Court of Chancery or of the Court of Exchequer in *Ireland*, or (where the Case may require) of the High Court of Chancery in *England*, in the Matter of the Parties interested in the same, to be described as the Commissioners shall think fit and direct, in trust to attend the Orders of such respective Court; and the Commissioners may by their Order declare the Trusts affecting such Money, Stocks, Funds, or Securities, so far as they have ascertained the same, or state (for the Information of the respective Court) the Facts or Matters found by them in relation to the Rights and Interests therein; and the High Court of Chancery, Lord Chancellor, and Master of the Rolls, in *England* and *Ireland* respectively, and the Court of Exchequer in *Ireland*, may make such Orders and give such Directions in relation to any such Monies, Stocks, Funds, or Securities as shall be so transferred to the Account of the Accountant General of such respective Court as such Court or Judge respectively might make or give in relation to any Trust Monies, Stocks, or Securities paid in, transferred, or deposited under the Act passed in the Eleventh Year of Her Majesty "for better securing Trust Funds, and for the "Relief of Trustees," or the Act of the last Session of Parliament for extending to *Ireland* the said Act of the Eleventh Year of Her Majesty respectively; and no Money transferred into the Name of the Accountant General of the Court of Chancery in *Ireland*, or paid out under this Provision under any Order of the Lord Chancellor or Master of the Rolls, shall be liable to Usher's Poundage.

10 & 11 Vict. c. 96.

11 & 12 Vict. c. 68.

**Lands included in different**

XXXVI. And be it enacted, That where there shall be separate Applications to the Commissioners for Sales under this Act of any Land

Land and of any Lease in the same Land, or of Two or more Leases in the same Land, or there shall be such Applications for Sales of different undivided Shares of any Land or Lease, it shall be lawful for the Commissioners, where they shall see fit so to do, to include, with the Consent of the Persons by whom such respective Applications may be made or prosecuted, and of any other Persons whose Consent the Commissioners may, under the Circumstances, think fit to require, in the same Sale, upon such Terms as they think fit, such Land and Lease, or such Leases, or such several undivided Shares as aforesaid; and where there shall be separate Applications for Sales under this Act of any Land and of any Lease in other Land, or of different Lands or Leases in different Lands, it shall be lawful for the Commissioners, where, from the Lands being intermixed, or from other Circumstances, it shall appear to them convenient so to do, to include, with such Consent as aforesaid, such Land and Lease, or Lands or Leases, in the same Sale, upon such Terms as they may think fit; and where any Land or Lease, or Part thereof, subject to any Incumbrance, is proposed or ordered to be sold under this Act, it shall be lawful for the Commissioners, upon the Application of the Owner of any Lease or Under-lease, or Estate in reversion, or other Estate or Interest whatsoever in the same Land, (and although such Lease, Under-lease, Estate in reversion, or other Estate or Interest be not subject to any Incumbrance, or would not, if subject to any Incumbrance, be subject to be sold under an Order of the Commissioners under the Provisions herein-before contained,) or upon the Application of any Incumbrancer on any such Lease, Under-lease, Estate, or Interest, to include the same, upon such Terms as they may see fit, in the Sale of the Land or Lease, or Part thereof, so proposed or ordered to be sold as aforesaid; and all the Provisions of this Act applicable to any Land or Lease subject to any Incumbrance, and ordered to be sold under this Act, and to any Incumbrance or Charge upon such Land or Lease, and to the Purchase Money arising from the Sale thereof, and to the Conveyance or Assignment thereof, shall, so far as Circumstances admit, extend and be applicable to every such Lease, Under-lease, Estate in reversion, or other Estate or Interest to be so included in the Sale; and in every such Case as aforesaid the Commissioners shall apportion the Purchase Money and Expenses as they see fit.

Applications, and different Interests in the same Land, may be included in the same Sale.

XXXVII. And be it enacted, That if any Land or Lease to be sold under this Act shall be subject to a Lease or Under-lease for Years or Lives comprising other Land at an entire Rent, it shall be lawful for the Commissioners to apportion the Rent between the Land to be sold and the Remainder of the Land subject to such Rent; and where it is intended to sell under this Act a Part only of any Lease

If Land sold shall be subject to a Lease, comprising other Land, or if Part of Lease in Perpetuity,

&c. be sold, Commissioners may apportion the Rent.

Lease in Perpetuity or other Lease, it shall be lawful for the Commissioners, where they shall think fit, and (having regard to the Rights and Interest of the Owner of the Reversion) it shall appear to them just so to do, to apportion the Rent reserved by such Lease between the Land to be sold and the Remainder of the Land; and the Commissioners shall direct Notices of any such intended Apportionment as aforesaid to be given to such Persons and in such Manner as they shall think fit, and shall hear such Parties as shall apply to them in relation thereto; and after such Apportionment, and after the Sale shall be completed, the Owners of the Reversion in the respective Lands shall have the like Remedies for the apportioned Rents against the Lands out of which the same shall be payable, and the Owners and Occupiers thereof respectively, as were subsisting for the entire Rent before such Apportionment; and all the Covenants, Conditions, and Agreements of every Lease or Under-lease, except as to the Amount of Rent to be paid, shall, as regards the apportioned Parts, remain in force in the same Manner as they would have done in case no such Apportionment had taken place.

Provision for Persons under Disability.

XXXVIII. And be it enacted, That where any Person who (if not under Disability) might have made any Application, given any Consent, done any Act, or been Party to any Proceeding under this Act, shall be a Minor, Idiot, Lunatic, or married Woman, the Guardian, Committee of the Estate, and Husband respectively of such Person may make such Applications, give such Consents, do such Acts, and be Party to such Proceedings, as such Persons respectively, if free from Disability, might have made, given, done, or been Party to, and shall otherwise represent such Person for the Purposes of this Act; but a married Woman entitled for her separate Use (with or without Power of Anticipation) shall, for the Purposes of this Act, be deemed a Feme Sole: Provided always, that where there shall be no Guardian or Committee of the Estate of any such Person as aforesaid, being infant, idiot, or lunatic, or where any Person the Committee of whose Estate if he were idiot or lunatic would be authorized to act for and represent such Person under this Act shall be of unsound Mind or incapable of managing his Affairs, but shall not have been found idiot or lunatic under an Inquisition, it shall be lawful for the Commissioners to appoint a Guardian of such Person for the Purpose of any Proceedings under this Act, and from Time to Time to change such Guardian; and where the Commissioners see fit they may appoint a Person to act as the next Friend of a married Woman for the Purpose of any Proceeding under this Act, and from Time to Time remove or change such next Friend.

XXXIX. And

XXXIX. And be it enacted, That Proceedings under this Act shall not abate or be suspended by any Death or Transmission or Change of Interest, but in any such Case of Death or Transmission or Change of Interest it shall be lawful for the Commissioners, where they see fit, to require Notices to be given to Persons becoming interested, or to make any Order for discontinuing, suspending, or carrying on the Proceedings, or otherwise in relation thereto, which to them may appear just.

Proceedings not to abate by Death, &c.

XL. And be it enacted, That in every Proceeding under this Act the Commissioners shall have full Power and Discretion as to the giving or withholding Costs and Expenses, and as to the Persons by whom and the Funds out of which the same shall in the first instance or ultimately be paid, repaid, and borne, and shall and may apportion the same amongst such Parties, and in respect of Interest, Rents, or Income, and Principal or Corpus, as they shall see fit.

Costs.

XLI. And be it enacted, That Application may be made to the Commissioners for a Sale under this Act, and an Order for such Sale may be made by them notwithstanding any pending Proceedings in a Court of Equity in *England* or *Ireland*, or any Decree of any such Court of Equity already made for Sale, and notwithstanding the Owner may have Power under an Act of Parliament or otherwise to make a Sale; and where it shall be shown to the Commissioners that a Decree for Sale has been made by a Court of Equity, the Commissioners shall, if they see fit, without further Inquiry, order a Sale of the Land or Lease decreed to be sold; and where any Sale shall be made of any Land or Lease, or Part thereof, in respect of which there shall have been a Decree of a Court of Equity, or any Proceedings pending in a Court of Equity, the Commissioners shall, in distributing such Monies and in their other Proceedings, have regard to the Proceedings in such Court in relation to the Priorities and Rights of Incumbrancers and others; and where there shall have been a Decree of a Court of Equity the Commissioners shall, in distributing the Monies arising on the Sale and in their other Proceedings, proceed upon and be guided by the Declarations of and Inquiries and Proofs made and taken under such Decree in relation to such Priorities and Rights as aforesaid; provided that it shall be lawful for the Commissioners, where it shall appear to them that there is any clerical Error, or any Error of Names or in computation, or other like Error, in such Decree, or in any Finding or Proof, or where from Matters coming to their Knowledge it shall appear to them that the Court in which the Decree has been made should have an Opportunity of reconsidering

Order for a Sale under this Act may be made notwithstanding pending Suit or Decree for Sale.

sidering such Decree, or considering or reconsidering any Finding or Proof, to direct such Person as the Commissioners may think fit to apply to such Court in relation thereto, and such Court may make such Order concerning the Matter of such Application as it may think fit; and the Commissioners shall, out of any Monies arising from any Sale under this Act, where there shall have been any such Decree or pending Proceedings as aforesaid, make such Provision for Payment of any Costs incurred in relation to the Proceedings in the Court of Equity as the Circumstances may require; or the Commissioners may, in any of the Cases aforesaid, where they think fit, order all or any Part of the Purchase Money, after Payment thereout of such Costs and Expenses as may be payable thereout under the Orders of the Commissioners, to be paid into the Court of Equity in or under any Suit or Decree there pending or made.

After Order by Commissioners for Sale, Proceedings for a Sale under Decree to be stayed, and no Suit, &c. to be commenced without Leave of Commissioners, pending Proceedings under this Act.

XLII. And be it enacted, That where the Commissioners shall order the Sale of any Land or Lease, or Part thereof, in respect of which any Decree shall have been already made by a Court of Equity for Sale, or any Proceedings shall be pending in a Court of Equity, they shall, by Certificate under their Seal, notify to such Court the Order so made by them; and all Proceedings for or in relation to a Sale under the Decree of such Court shall be stayed, and upon the Completion of the Sale under such Order of the Commissioners any Receiver appointed by such Court shall cease to act as such Receiver with respect to the Land or Lease, or Part thereof, sold; and it shall be lawful for the Court to suspend or stay any other Proceedings in such Court, or under any Order or Decree already made by such Court, as the Court shall think fit; and pending any Proceedings for a Sale under this Act it shall not be lawful for any Owner or Person claiming to be Owner within the Meaning of this Act, or claiming by the Act of such Owner or Person or by Act of Law, or any Incumbrancer, to commence any Proceedings at Law or in Equity for Redemption, Foreclosure, or Sale, or to commence, take, continue, or prosecute any Proceeding whatsoever under the Act of the last Session of Parliament, "to facilitate the Sale of Incumbered Estates in *Ireland*," without the Leave of the Commissioners.

On Application for Sale of an undivided Share, or after Sale, Commissioners may, on Application of Party

XLIII. And be it enacted, That where an Application shall be made for a Sale under this Act of an undivided Share of any Land or Lease, or where any such undivided Share shall have been sold under this Act, and either before or after the Conveyance or Assignment thereof under this Act, the Commissioners, on the Application of any Party interested in such undivided Share, or of the Purchaser, (as the Case

Case may be,) and after causing to be given such Notices to the Owner or Owners of the other undivided Share or Shares of the same Land or Lease as they may think fit, and hearing such Parties interested in the respective Shares as may apply to them, and making or causing to be made such Inquiries as may enable them to make a just Partition, may, if they think fit, make an Order under their Seal for the Partition of such Land or Lease; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each of the undivided Shares in such Land or Lease; and the Commissioners shall have the like Authorities, Jurisdiction, and Powers in relation to such Partition as a Court of Equity would have in the Case of a Partition under the Direction of such Court; and the Part so allotted in Severalty in respect of each such undivided Share by such Order for Partition as aforesaid shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale of the Part allotted in respect of the undivided Share to which the Application for the Sale shall relate may be made (where the Order for Partition is made before Sale), and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made of the Part allotted in respect of the Share sold (where the Order for Partition is made after Sale, and before Conveyance or Assignment), and with the like Consequences in the several Cases aforesaid, as if the Application for a Sale, or the Sale, (as the Case may be,) had been in respect of the Part so allotted as aforesaid; and where any Land or Lease, or Part thereof, to be sold under this Act, is subject to any Lease, Under-lease, or Tenancy under which the Lessees, Under-lessees, or Tenants hold jointly or as Tenants in Common, it shall be lawful for the Commissioners, on the Application of any such Lessee, Under-lessee, or Tenant, and after causing to be given such Notices as they may think fit, and hearing such Parties as may apply to them, and making such Inquiries as they may think necessary, to make an Order under their Seal for the Partition, as between such Lessees, Under-lessees, or Tenants, of the Land included in their Lease, Under-lease, or Tenancy, and for the Apportionment of the Rent reserved or payable under such Lease, Under-lease, or Tenancy; and after such Order of Partition the Owner of the Reversion in the respective Parts of the Land shall have the like Remedies for the apportioned Rents against the respective Parts out of which the same shall be payable, and the Lessees, Under-lessees, or Tenants holding such respective Parts under such Lease, Under-lease, or Tenancy, and such Order of Partition, as were subsisting for the entire

interested, and giving Notices and hearing Parties, make Order for Partition.

entire Rent before such Partition and Apportionment; and all the Covenants, Conditions, and Agreements of every such Lease, Underlease, or Tenancy, except as to the Amount of Rent to be paid, shall, as regards the respective Parts allotted on such Partition, and the apportioned Parts of the Rent, remain in force as against the respective Lessees, Under-lessees, or Tenants to whom under such Partition such respective Parts shall be allotted.

On Application for Sale, or after Sale, Commissioners, on Application of Party interested, and with Consent, may make Order for Exchange.

XLIV. And be it enacted, That where an Application shall be made for a Sale under this Act of any Land or Lease, or Part thereof, or where the same shall have been sold under this Act, and either before or after the Conveyance or Assignment thereof under this Act, if Application be made to the Commissioners by any Party interested in such Land or Lease, or by the Purchaser, (as the Case may be,) for the Exchange of all or any Part of such Land, or of all or any Part of the Land comprised in such Lease, for other Land which the Owner thereof may be willing to give in exchange, the Commissioners may make or cause to be made such Inquiries as they may think fit for ascertaining whether such Exchange would be beneficial to the Persons interested in the respective Lands, and cause such Notices to be given to Parties interested in the respective Lands as they may think fit; and if, after making such Inquiries, and hearing such Parties interested in the respective Lands as may apply to them, the Commissioners shall be of opinion that such Exchange would be beneficial, and that the Terms thereof as proposed, or as modified by them, with the Consent of such Owner as aforesaid, are just and reasonable, they may make an Order under their Seal for such Exchange accordingly, and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given on such Exchange would have stood limited or been subject to in case such Order had not been made; and the like Order for a Sale may be made in respect of the Land taken in exchange for any Land, or any Land comprised in any Lease to which the Application for a Sale shall relate, (where the Order for Exchange is made before Sale,) and the like Proceedings had in relation to such Sale, and the like Conveyance or Assignment may be made in respect of the Land taken in exchange for the Land or Lease, or Part thereof, sold, (where the Order for Exchange is made after Sale, and before Conveyance or Assignment,) and with the like Consequences, in the several Cases aforesaid, as if the Application for a Sale, or the Sale,

Sale, (as the Case may be,) had been in respect of the Land so taken in exchange.

Partition may be made of Land where Shares are not subject to be sold under this Act.

XLV. And be it enacted, That it shall be lawful for the Commissioners, upon the Application of the Owners of the several undivided Shares (not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending,) of any Land in *Ireland* who shall desire to effect a Partition of such Land, to make or cause to be made such Inquiries as the Commissioners may think fit for ascertaining whether such Partition would be beneficial to the Persons interested in such respective Shares; and in case the Commissioners shall be of opinion that the proposed Partition would be beneficial, and that the Terms thereof are just and reasonable, they shall make an Order under their Seal for such Partition accordingly; and in such Order, or in a Map or Plan annexed thereto, shall be shown the Part allotted in Severalty in respect of each such undivided Share; and the Part so allotted in Severalty in respect of each such undivided Share by such Order of Partition shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses, and be subject to the same Conditions, Charges, and Incumbrances, as the undivided Share in respect of which the same is so allotted would have stood limited or been subject to in case such Order had not been made.

Exchanges may be made of Lands not subject to be sold under this Act.

XLVI. And be it enacted, That it shall be lawful for the Commissioners, upon the Application of the Owners of Lands in *Ireland* not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending, who shall desire to effect an Exchange of such Lands, to make or cause to be made such Inquiries as the Commissioners may think fit for ascertaining whether such Exchange would be beneficial to the Persons interested in the respective Lands; and in case the Commissioners shall be of opinion that the proposed Exchange would be beneficial, and that the Terms thereof are just and reasonable, they shall make an Order under their Seal for such Exchange accordingly; and in such Order for Exchange, or in a Map or Plan annexed thereto, shall be shown the Lands given and taken in exchange respectively under such Order; and the Land taken upon such Exchange under such Order shall, without any Conveyance or other Assurance in relation thereto, go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the Land given upon such Exchange would have stood limited or been subject to in case such Order had not been made.

Division of intermixed Lands not subject to be sold under this Act.

XLVII. And be it enacted, That it shall be lawful for the Commissioners, upon the Application of any Number of Persons who shall be separately Owners of Parcels of Land not subject to be sold under this Act, or as to which no Proceedings for a Sale under this Act shall be pending, so intermixed, or divided into Parcels of inconvenient Form or Quantity, that the same cannot be cultivated or occupied to the best Advantage, but forming together a Tract which may be divided into convenient Parcels, and who shall desire to have the whole of such Tract divided into convenient Parcels, to be allotted in lieu of the old Parcels, to make or cause to be made such Inquiries as the Commissioners may think fit, for ascertaining whether such proposed Division and Allotment would be beneficial to the Persons interested in such Lands; and in case the Commissioners shall be of opinion that the proposed Division and Allotment would be beneficial, they shall make an Order for the Division and Allotment thereof accordingly, with a Map or Plan thereunto annexed, in which shall be specified as well the Parcels in which the several Persons on whose Application such Order shall have been made were respectively interested before such Division and Allotment as the several Parcels allotted to them respectively by such Order; and the Parcels of Land taken under such Division and Allotment shall go and enure to and upon the same Uses and Trusts, and be subject to the same Conditions, Charges, and Incumbrances, as the several Lands which the Persons taking the same shall have relinquished or lost on such Division would have stood limited or been subject to in case such Order had not been made.

Notices of Partitions, Exchanges, and Divisions to be given.

XLVIII. Provided always, and be it enacted, That in the Case of Land in respect of which no Proceedings for a Sale under this Act shall be pending, no such Order of Partition or of Exchange, or of Division and Allotment, as aforesaid, shall be made by the Commissioners until such Notices by Advertisement in such public Newspaper or Newspapers as the Commissioners shall direct shall have been given of such proposed Partition, Exchange, or Division and Allotment, and Three Calendar Months shall have elapsed from the Publication of the last of such Advertisements; and in case before the Expiration of such Three Calendar Months any Person entitled to any Estate in or to any Charge upon any Land included in such proposed Partition, Exchange, or Division and Allotment, shall give Notice in Writing to the Commissioners of his Dissent from such proposed Partition, Exchange, or Division and Allotment, (as the Case may be,) the Commissioners shall not make an Order for such Partition, Exchange, or Division and Allotment, unless such Dissent shall be withdrawn, or it shall be shown to the Commissioners that the Estate or

or Charge of the Party so dissenting shall have ceased, or that such Estate or Charge is not an Estate or Charge in respect of which he would be entitled in Equity to prevent such Partition, Exchange, or Division and Allotment; but no such Order as aforesaid shall be in anywise liable to be impeached by reason of any Infirmity of Estate or Defect of Title of the Persons on whose Application the same shall have been made.

Conveyance, Assignment, and Orders for Partition, Exchange, or Division and Allotment, conclusive.

XLIX. And be it enacted, That every Conveyance and Assignment respectively executed as required by this Act, and every Order for Partition or for Exchange, or for Division and Allotment, made by the Commissioners under their Seal, shall for all Purposes be conclusive Evidence that every Application, Proceeding, Consent, and Act whatsoever which ought to have been made, given, and done previously to the Execution of such Conveyance or Assignment, or the making of such Order respectively, has been made, given, and done by the Persons authorized to make, give, and do the same; and no such Conveyance, Assignment, or Order shall be impeached by reason of any Informality therein.

Proceedings before Commissioners not to be restrained by Injunction, &c.

Commissioners not to be liable in respect of Acts done bonâ fide.

L. And be it enacted, That the Commissioners shall not be subject to be restrained in the Execution of their Powers under this Act, nor shall any Person be restrained from making Application under this Act to the Commissioners, or doing any other Act or giving any Consent under the Provisions of this Act, by Order or Injunction of a Court of Equity, or by Writ of Prohibition, nor shall the Commissioners be required by Writ of Mandamus to do any Act or take any Proceeding under this Act, nor shall Proceedings before them be removable by Certiorari; and the Commissioners shall not, nor shall any of them, nor shall any Person acting under the Order or Authority of them or any of them, be liable to any Action, Suit, or Proceeding for or in respect of any Act or Matter *bonâ fide* done or omitted by them respectively in the Exercise or supposed Exercise of the Powers of this Act.

Orders may be reviewed by Commissioners.

Appeal to Privy Council where allowed by Commissioners.

LI. And be it enacted, That it shall be lawful for the Commissioners to review and rescind or vary any Order which shall have been previously made by them, but, save as aforesaid and as hereinafter provided, every Order of the Commissioners shall be final: Provided always, that where the Commissioners allow Appeal, but not otherwise, Appeal against any Order of the Commissioners may be made to the Privy Council of *Ireland* within One Calendar Month from the making of the Order appealed against, and such Appeal shall be heard and reported on by Members of the Privy Council, to be appointed by such Judicial Committee of the said Privy Council

as

as herein-after mentioned, and the Orders of the said Privy Council in relation to such Appeal shall be made according to the Reports of such Judicial Committee, and the Order of the said Privy Council on the Appeal shall be final.

Who to form the Judicial Committee.

LII. And be it enacted, That the Judicial Committee herein-before referred to shall consist of the Lord High Chancellor of *Ireland* for the Time being, and such of the Members of the said Privy Council as shall from Time to Time hold any of the following Offices in *Ireland*; that is to say, the Office of Lord Keeper or First Lord Commissioner of the Great Seal of *Ireland*, Lord Chief Justice or Judge of the Court of Queen's Bench, Master of the Rolls, Lord Chief Justice or Judge of the Court of Common Pleas, Lord Chief Baron or Baron of the Court of Exchequer, and Judge or Commissary of Her Majesty's Court of Prerogative for Causes Ecclesiastical and Court of Faculties in and throughout *Ireland*, and of all Persons Members of the said Privy Council who shall have held the Office of Lord Chancellor of *Ireland*, or any of the other Offices herein-before mentioned, and of such other Persons not exceeding Four in Number, being Privy Councillors in *Ireland*, as the Lord Lieutenant or other Chief Governor or Governors for the Time being of *Ireland* shall appoint to be Members of such Committee; and no such Appeal as aforesaid shall be heard or reported on by the said Judicial Committee unless in the Presence of at least Four Members of the said Committee; and no Report on such Appeal shall be made unless a Majority of the Members of such Committee present at the Hearing concur in such Report.

Penalty for false Swearing.

LIII. And be it enacted, That every Person who upon Examination upon Oath, Affirmation, or Declaration before the Commissioners or any of them, or any Person appointed and authorized under this Act by the Commissioners to administer such Oath, Affirmation, or Declaration, shall wilfully give false Evidence, and every Person who shall wilfully swear, affirm, or declare falsely in any Affidavit authorized under this Act to be received in Evidence by the Commissioners, shall be liable to the Pains and Penalties of Perjury.

Construction of Terms, &c. in this Act: "Land:" "Estate:"

LIV. And be it enacted, That in the Construction of this Act (except where the Context or other Provisions of the Act require a different Construction) the Word "Land" shall extend to Manors, Advowsons, Rectories, Messuages, Lands, Tenements, Rents, and Hereditaments of any Tenure, whether subject to any Fee Farm or other perpetual Rent, with or without Condition of Re-entry for securing the same, or otherwise, and whether corporeal or incorporeal, and any undivided Share thereof; and the Word "Estate" shall extend

extend to an Estate in Equity as well as at Law, and to an Equity of Redemption, and to the Benefit of any Covenant or Contract for or Right of Renewal; and the Word "Lease" shall include an Agreement for a Lease, and the Estate or Interest created or agreed to be created by such Lease or Agreement in the whole or any Part of the Land therein comprised; and the Expression "Lease in Perpetuity" shall mean any Lease or Grant for One or more Life or Lives, with or without a Term of Years, or for Years determinable on One or more Life or Lives, or for Years absolute, with a Covenant or Agreement in any of such Cases, whether in the same or in any other Instrument, for the perpetual Renewal of such Lease or Grant, whether such Lease shall be derived out of the Inheritance or by way of Under-lease out of any Lease or other Estate; and the Expression "Church or College Lease" shall include any Lease by any Archbishop, Bishop, Dean, or Dean and Chapter, or other Ecclesiastical Corporation, sole or aggregate, or by the College of the Holy and Undivided *Trinity* near *Dublin*, or by the Ecclesiastical Commissioners for *Ireland*, where a Fine has been paid on the Grant of such Lease; and the Word "Incumbrance" shall mean any legal or equitable Mortgage in Fee, or for any less Estate, and also any Money secured by a Trust, or by Judgment, Decree, or Order of any Superior Court of Law or Equity duly registered, and also any Legacy, Portion, Lien, or other Charge, whereby a gross Sum of Money is secured to be paid on an Event or at a Time certain, and also any annual or periodical Charge which by the Instrument creating the same, or by any other Instrument, is made repurchasable on Payment of a gross Sum of Money, and also any Arrear remaining unpaid of any annual or periodical Charge, for Payment of which Arrear a Sale of any Land charged therewith might be decreed by a Court of Equity; and the Word "Incumbrancer" shall mean any Person entitled to such Incumbrance, or entitled to require the Payment or Discharge thereof; and the Word "Possession" shall include the Receipt of the Rents and Profits; and the Word "Owner," as applied to any Land, shall include any Person entitled in possession in Fee Simple or in Tail, or *quasi* in Tail, and any Person entitled in possession for a Life or Lives, or for a Term of Years determinable on the dropping of any Life or Lives, or for a Term of Years of which not less than Ninety-nine Years are unexpired, not being a Lessee at a Rent, and also any Person entitled in possession as Tenant by the Curtesy, whether at Law or in Equity, and any Person entitled in possession, whether in Fee or for any lesser Estate as aforesaid, to the Equity of Redemption in any Land, or to the Land subject to any Incumbrance, or a Trust for the Payment of any Incumbrance, and any Feoffees or Trustees for charitable or other Purposes, entitled in

"Lease:"

"Lease in Perpetuity:"

"Church or College Lease:"

"Incumbrance:"

"Incumbrancer:"

"Possession:"

"Owner:"

in possession; and the Word "Owner," as applied to a Lease in Perpetuity or other Lease, shall include any Person entitled in possession to the Land comprised in such Lease for the whole Estate created or agreed to be created by such Lease, or for any derivative Estate (created by Settlement, or testamentary or other Disposition thereof), *quasi* in Tail, or for Life or Lives, or for Years determinable on the dropping of a Life or Lives, or for Years of which not less than Fifty Years are unexpired, not being an Under-lease at a Rent derived out of such Lease, and any Person entitled in possession, for such whole Estate or such derivative Estate as aforesaid, to the Equity of Redemption in such Lease or to such Lease subject to any Incumbrance, or a Trust for the Payment of any Incumbrance; and the Word "Person" and the Word "Owner" shall extend to a Body Politic or Corporate as well as to an Individual; the Word "Commissioners" shall mean "the Commissioners for Sale of Incumbered Estates in *Ireland;*" the Expression "the Commissioners of Her Majesty's Treasury" shall mean such Commissioners for the Time being or any Three of them, or the Lord High Treasurer for the Time being; and every Word importing the Singular Number only shall extend to several Persons or Things, and every Word importing the Plural Number shall apply to One Person or Thing; and every Word importing the Masculine Gender only shall extend to a Female.

"Person" and "Owner:" "Commissioners:" "Commissioners of Her Majesty's Treasury:" Number:

Act to extend to Ireland only, &c.

LV. And be it enacted, That this Act shall, except so far as the special Provisions of the same otherwise require, extend only to *Ireland*, and may be amended or repealed by any Act to be passed in this Session of Parliament.

SCHE-

## SCHEDULE.

*Form of Conveyance on Sales by the Commissioners (which may be used with such Variations as the Circumstances may appear to the Commissioners to require).*

WE Two of the Commissioners for Sale of Incumbered Estates in Ireland, under the Authority of an Act passed in the Year of the Reign of Queen Victoria, intituled [*here set forth the Title of this Act*], in consideration of the Sum of by *E.F.* of, *&c.*, paid into the Bank of Ireland to our Account to the Credit of do grant unto the said *E.F.* all [*here describe the Premises to be sold*], to hold the same unto the said *E.F.*, his Heirs and Assigns, [*or, in the Case of a Chattel Interest in a Lease*, his Executors, Administrators, and Assigns,] for ever, [*or* for the unexpired Term created by a certain Lease [*describing the Lease, as the Case may be*], subject to [*here specify, where the Sale is made subject thereto, the Tenancies, Leases, Under-leases, or Charge, either by reference to a Schedule or otherwise*].

In witness whereof we the said *A.B.* and *C.D.* have hereunto set our Hands and the Seal of the said Commissioners, this Day of in the Year of our Lord

*A.B.*
*C.D.*
[*Seal of the Commission.*]

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*The Certificate of Payment to be endorsed on or written at the Foot of the Conveyance or Assignment may be in the following Form:*

WE certify that the within [*or* above] mentioned Sum of was paid into the Bank of Ireland to the Account and Credit within [*or* above] mentioned on the Day of

*A.B.*
*C.D.*
[*Seal of the Commission.*]

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Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

***

Recited Act 7 & 8 G. 4. c. 64. repealed.

Authority of the same, That, except as to any Costs, Charges, and Expenses which shall have been incurred in the present or any preceding Session of Parliament, the said recited Act shall be repealed.

Parliamentary Agent, Attorney, or Solicitor not to sue for Costs until One Month after Delivery of his Bill.

II. And be it enacted, That no Parliamentary Agent, Attorney, or Solicitor, nor any Executor, Administrator, or Assignee of any Parliamentary Agent, Attorney, or Solicitor, shall commence or maintain any Action or Suit for the Recovery of any Costs, Charges, or Expenses in respect of any Proceedings in the House of Lords in any future Session of Parliament relating to any Petition for a Private Bill, or Private Bill, or in respect of complying with the Standing Orders of the said House relative thereto, or in preparing, bringing in, and carrying the same through, or opposing the same in, the House of Lords, until the Expiration of One Month after such Parliamentary Agent, Attorney, or Solicitor, or Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, has delivered unto the Party to be charged therewith, or sent by Post to or left for him at his Counting-house, Office of Business, Dwelling House, or last known Place of Abode, a Bill of such Costs, Charges, and Expenses, and which Bill shall either be subscribed with the proper Hand of such Parliamentary Agent, Attorney, or Solicitor, or in the Case of a Partnership by any of the Partners, either with his own Name or with the Name of such Partnership, or of the Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, or be enclosed in or accompanied by a Letter subscribed in like Manner referring to such Bill: Provided always, that it shall not in any Case be necessary, in the first instance, for such Parliamentary Agent, Attorney, or Solicitor, or the Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, in proving a Compliance with this Act, to prove the Contents of the Bill delivered, sent, or left by him, but it shall be sufficient to prove that a Bill of Costs, Charges, and Expenses, subscribed in manner aforesaid, or enclosed in or accompanied by such Letter as aforesaid, was delivered, sent, or left in manner aforesaid; but nevertheless it shall be competent for the other Party to show that the Bill so delivered, sent, or left was not such a Bill as constituted a *bonâ fide* Compliance with this Act: Provided also, that it shall be lawful for any Judge of the Superior Courts of Law or Equity in *England* or *Ireland*, or of the Court of Session in *Scotland*, to authorize a Parliamentary Agent, Attorney, or Solicitor to commence an Action or Suit for the Recovery of his Costs, Charges, and Expenses against the Party chargeable therewith, although One Month has not expired from the Delivery of a Bill as aforesaid,

Evidence of Delivery of Bill.

Power to Judge to authorize Action before Expiration of One Month.

aforesaid, on Proof to the Satisfaction of the said Judge that there is probable Cause for believing that such Party is about to quit that Part of the United Kingdom in which such Judge hath Jurisdiction.

Taxing Officer to be appointed by the Clerk of Parliaments or Clerk Assistant.

III. And be it enacted, That the Clerk of the Parliaments, when discharging the Duties of his Office in Person, or in his Absence the Clerk Assistant, shall appoint a fit Person to be the Taxing Officer of the House of Lords; and every Person so appointed shall hold his Office during the Pleasure of the Clerk of the Parliaments or Clerk Assistant, and shall execute the Duties of his Office conformably to such Directions as he may from Time to Time receive from the Clerk of the Parliaments or Clerk Assistant.

The Clerk of Parliaments or Clerk Assistant to prepare List of Charges thenceforth to be allowed.

IV. And be it enacted, That the Clerk of the Parliaments, when discharging the Duties of his Office in Person, or in his Absence the Clerk Assistant, may from Time to Time prepare a List of such Charges as it shall appear to him that, after the present Session of Parliament, Parliamentary Agents, Attornies, Solicitors, and others may justly make with reference to the several Matters comprised in such List; and the several Charges therein specified shall be the utmost Charges thenceforth to be allowed upon the Taxation of any such Bill of Costs, Charges, and Expenses in respect of the several Matters therein specified: Provided always, that the said Taxing Officer may allow all fair and reasonable Costs, Charges, and Expenses in respect of any Matters not included in such List.

Taxing Officer empowered to examine Parties and Witnesses on Oath.

V. And be it enacted, That for the Purpose of any such Taxation the said Taxing Officer may examine upon Oath any Party to such Taxation, and any Witnesses who may be examined in relation thereto, and may receive Affidavits, sworn before him or before any Master or Master Extraordinary of the High Court of Chancery, relative to such Costs, Charges, or Expenses; and any Person who on such Examination on Oath or in any such Affidavit shall wilfully or corruptly give false Evidence shall be liable to the Penalties of wilful and corrupt Perjury.

Taxing Officer empowered to call for Books and Papers.

VI. And be it enacted, That the said Taxing Officer shall be empowered to call for the Production of any Books or Writings in the Hands of any Party to such Taxation relating to the Matters of such Taxation.

Taxing Officer to take such Fees as may be allowed by House of Lords.

VII. And be it enacted, That it shall be lawful for the said Taxing Officer to demand and receive for any such Taxation such Fees as the House of Lords may from Time to Time by any Order authorize and direct, and to charge the said Fees, and also to

to award Costs of such Taxation against either Party to such Taxation, or in such Proportion against each Party as he may think fit, and he shall pay and apply the Fees so received by him in such Manner as shall be directed by any such Order as aforesaid.

Application of Fees.

On Application of Party chargeable, or on Application of Parliamentary Agent, Attorney, or Solicitor, the Taxing Officer to tax the Bill.

VIII. And be it enacted, That if any Person upon whom any Demand shall be made by any Parliamentary Agent, Attorney, or Solicitor, or Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, or other Person, for any Costs, Charges, or Expenses in respect of any Proceedings in the House of Lords in any future Session of Parliament relating to any Petition for a Private Bill, or Private Bill, or in respect of complying with the Standing Orders of the said House relative thereto, or in preparing, bringing in, or carrying the same through, or in opposing the same in, the House of Lords, or if any Parliamentary Agent, Attorney, or Solicitor, or the Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, or other Person, who shall be aggrieved by the Nonpayment of any Costs, Charges, and Expenses incurred or charged by him in respect of any such Proceedings as aforesaid, shall make Application to the said Taxing Officer at his Office for the Taxation of such Costs, Charges, and Expenses, the said Taxing Officer, on receiving a true Copy of the Bill of such Costs, Charges, and Expenses which shall have been duly delivered as aforesaid to the Party charged therewith, shall in due Course proceed to tax and settle the same; and upon every such Taxation, if either the Parliamentary Agent, Attorney, or Solicitor, or the Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, or other Person, by whom such Demand shall be made as aforesaid, or the Party charged with such Bill of Costs, Charges, and Expenses, having due Notice, shall refuse or neglect to attend such Taxation, the said Taxing Officer may proceed to tax and settle such Bill and Demand *ex parte;* and if pending such Taxation any Action or other Proceeding shall be commenced for the Recovery of such Bill of Costs, Charges, and Expenses, the Court or Judge before whom the same shall be brought shall stay all Proceedings thereon until the Amount of such Bill shall have been duly certified by the Clerk of the Parliaments or Clerk Assistant as hereinafter provided: Provided always, that no such Application shall be entertained by the said Taxing Officer if made by the Party charged with such Bill after a Verdict shall have been obtained or a Writ of Inquiry executed in any Action for the Recovery of the Demand of any such Parliamentary Agent, Attorney, or Solicitor, or the Executor, Administrator, or Assignee of such Parliamentary Agent, Attorney, or Solicitor, or other Person, or after the Expiration of Six Months after such Bill shall have been delivered, sent, or left as aforesaid:

No Application to be entertained by Taxing Officer after Verdict obtained.

aforesaid: Provided also, that if any such Application shall be made after the Expiration of Six Months as aforesaid it shall be lawful for the Clerk of the Parliaments or Clerk Assistant aforesaid, if he shall so think fit, on receiving a Report of special Circumstances from the said Taxing Officer, to direct such Bill to be taxed.

Taxing Officer to report to the Clerk of the Parliaments.

IX. And be it enacted, That the said Taxing Officer shall report his Taxation to the Clerk of the Parliaments or Clerk Assistant as aforesaid, and in such Report shall state the Amount fairly chargeable in respect of such Costs, Charges, and Expenses, together with the Amount of Costs and Fees payable in respect of such Taxation as aforesaid, and shall also state in such Report the Amount due in respect of the said Costs, Charges, and Expenses; and within Twenty-one clear Days after any such Report shall have been made either Party may deposit in the Office of the Clerk of the Parliaments a Memorial, addressed to the Clerk of the Parliaments or Clerk Assistant as aforesaid, complaining of such Report or any Part thereof, and such Clerk of the Parliaments or Clerk Assistant as aforesaid may, if he shall so think fit, refer the same, together with such Report, to the said Taxing Officer, and may require a further Report in relation thereto, and on receiving such further Report may direct the said Taxing Officer, if necessary, to amend his Report; and if no such Memorial be deposited as aforesaid, or so soon as the Matters complained of in any such Memorial shall have been finally disposed of, such Clerk of the Parliaments or Clerk Assistant as aforesaid shall, upon Application made to him, deliver to the Party concerned therein, and requiring the same, a Certificate of the Amount so ascertained, which Certificate shall be binding and conclusive on the Parties as to the Matters comprised in such Taxation, and as to the Amount of such Costs, Charges, and Expenses, and the Amount due in respect of the same, and of the Costs and Fees payable in respect of such Taxation, in all Proceedings at Law or in Equity or otherwise; and in any Action or other Proceeding brought for the Recovery of the Amount so certified to be due such Certificate shall have the Effect of a Warrant of Attorney to confess Judgment; and the Court in which such Action shall be commenced, or any Judge thereof, shall, on Production of such Certificate, order Judgment to be entered up for the Sum specified in such Certificate, in like Manner as if the Defendant in any such Action had signed a Warrant to confess Judgment in such Action to that Amount: Provided always, that if such Defendant shall have pleaded that he is not liable to the Payment of such Costs, Charges, and Expenses, such Certificate shall be conclusive only as to the Amount thereof which shall be payable by such Defendant in case the Plaintiff shall in such Action recover the same.

If either Party complain of Report, they may deposit a Memorial, and the Clerk of the Parliaments may require a further Report.

If no Memorial deposited, Clerk of the Parliaments may issue Certificate of the Amount found due.

Certificate to have the Effect of a Warrant to confess Judgment.

Taxing Officer of either House may tax Costs not otherwise taxable under the Act by virtue of which any Bill shall be taxed, and may request other Officers to assist him.

X. And be it enacted, That if any Bill of Costs taxable by virtue of this Act, or of "The House of Commons Costs Taxation Act, 1847," shall comprise any Costs, Charges, and Expenses incurred in respect of a Private Bill, but not taxable by virtue of the Act in pursuance whereof such Bill shall come to be taxed, it shall be lawful for the Taxing Officer of the House of Lords, or for the Taxing Officer of the House of Commons, as the Case may be, either to tax and settle such last-mentioned Costs, Charges, and Expenses, or to request the Taxing Officer of the other House of Parliament, or the proper Officer of any other Court having such an Officer, to assist him in taxing and settling any Part of such Bill; and such Officer so requested shall thereupon proceed to tax and settle the same, and shall return the same, with his Opinion thereupon, to the Officer who shall have so requested him to tax and settle the same; and in taxing such Costs, Charges, and Expenses the Taxing Officer of the House of Lords and the Taxing Officer of the House of Commons respectively shall have the same Powers and may receive the same Fees in respect of such Taxation as if such Costs, Charges, and Expenses were taxable by virtue of this Act, or of the "House of Commons Costs Taxation Act, 1847," as the Case may be; and the proper Officer of any Court so requested to tax the same shall have the same Powers and may receive the same Fees as upon a Reference from the Court of which he is such Officer.

Such Officers to have the same Powers as in taxing other Costs.

Taxing Officers to include certain Costs in their Reports, and Certificates of the Amount to be delivered.

XI. And be it enacted, That the Taxing Officer of the House of Lords, or the Taxing Officer of the House of Commons, as the Case may be, may include the Amount of such last-mentioned Costs, Charges, and Expenses in the Report of his Taxation of any such Bill of Costs; and in case the Clerk of the Parliaments or Clerk Assistant, or the Speaker of the House of Commons, as the Case may be, shall deliver a Certificate of the Amount so ascertained and declared in such Report, including such last-mentioned Costs, Charges, and Expenses, such Certificate shall have the same Force and Effect as if the whole of such Bill of Costs were taxable by virtue of the Act in pursuance whereof such Certificate shall be so delivered.

Officers of other Courts may request the Taxing Officer of either House to tax Parts of Bills.

XII. And be it enacted, That in case the Taxing Officer of the House of Lords, or the Taxing Officer of the House of Commons, shall be requested by the proper Officer of any other Court to assist him in taxing and settling any Costs, Charges, and Expenses incurred in respect of a Private Bill, being Part of any Bill of Costs which shall have been referred to him by the Court of which he is such Officer, such Taxing Officer so requested shall thereupon proceed to tax and settle the same, and shall return the same, with his Opinion

thereupon, to the Officer who shall have so requested him to tax and settle the same, and shall have the same Powers and may receive the same Fees in respect of such Taxation as if Application had been made to him for the Taxation thereof in pursuance of this Act, or of the "House of Commons Costs Taxation Act, 1847," as the Case may be.

Taxing Officer of either House may take an Account between the Parties.

XIII. And be it enacted, That it shall be lawful for the Taxing Officer of the House of Lords and for the Taxing Officer of the House of Commons to take an Account between the Parties to any Taxation under this Act or the "House of Commons Costs Taxation Act, 1847," of all Sums of Money paid or received in respect of any Bill of Costs which is the Subject of such Taxation, or any Matters contained therein, and to report the Amount of all such Sums of Money and the Amount due in respect of such Bills of Costs.

Construction of certain Words in this Act.

XIV. And be it enacted, That in the Construction of this Act the Word "Month" shall be taken to mean a Calendar Month; and every Word importing the Singular Number only shall extend and be applied to several Persons, Matters, or Things, as well as one Person, Matter, or Thing; and every Word importing the Plural Number shall extend and be applied to one Person, Matter, or Thing, as well as several Persons, Matters, or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and the Word "Person" shall extend to any Body Politic, Corporate, or Collegiate, Municipal, Civil, or Ecclesiastical, Aggregate or Sole, as well as an Individual; and the Word "Oath" shall include Affirmation in the Case of Quakers, and any Declaration lawfully substituted for an Oath in the Case of any other Person allowed by Law to make a Declaration instead of taking an Oath; unless in any of the Cases aforesaid it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Construction.

Form of citing the Act.

XV. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal and other Instruments, it shall be sufficient to use the Expression "The House of Lords Costs Taxation Act, 1849."

Act may be amended, &c.

XVI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. LXXIX.

### An Act to facilitate the Execution of Conveyances and other Instruments by or on behalf of the *New Zealand* Company in *New Zealand*.

[1st *August* 1849.]

WHEREAS Her present Majesty, by Her Royal Letters Patent bearing Date the Twelfth Day of *February* in the Fourth Year of Her Reign, granted and ordained that certain Persons therein named and described should be and constitute a Body Corporate, with perpetual Succession and a Common Seal, by the Name of the *New Zealand* Company, for the Purpose of purchasing and acquiring, settling, improving, cultivating, letting, selling, granting, alienating, mortgaging, charging, or otherwise dealing with and making a Profit of Lands, Tenements, and Hereditaments within Her Majesty's Colony of *New Zealand* and its Dependencies, and of laying out Settlements and Towns, and for other the Purposes therein set forth; and by Her Royal Letters Patent, bearing Date the Fourth Day of *August* in the Seventh Year of Her Reign, extended the Powers in the said first-mentioned Letters Patent contained: And whereas by an Act of Parliament passed in the Session of Parliament holden in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to grant certain Powers to the* New Zealand

Letters Patent, dated 12th Feb. (4 Vict.)

Letters Patent, dated 4th Aug. (7 Vict.)

9 & 10 Vict. c. 382.

land *Company*, further Powers were granted to the said Company, and special Provisions made for facilitating the Conveyance of Lands in the said Colony then contracted to be sold or thereafter to be contracted to be sold by the said Company: And whereas by an Act of Parliament passed in the Session of Parliament holden in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to promote Colonization in* New Zealand, *and to authorize a Loan to the* New Zealand *Company*, all the Demesne Lands of the Crown in the Province of *New Munster* in *New Zealand*, and all the Estate and Right of Her Majesty therein, or Power and Authority over the same or any Part thereof, were, from and immediately after the passing of the said now-reciting Act, until the Fifth Day of *July* One thousand eight hundred and fifty, and during such further Time as shall be directed by Parliament, vested in the *New Zealand* Company, in trust for the Purposes and subject to the Provisions in the same Act contained; and it was by the same Act enacted, that during such Period all the Rights, Powers, and Authorities of Her Majesty in reference to the same might be exercised and administered by the said Company in such Manner in all respects, subject to the Restrictions therein contained, as to the said Company should seem best fitted to promote the efficient Colonization of *New Zealand* and the Welfare of the Colonists thereof: And whereas it is expedient, for the better Promotion of the Colonization of *New Zealand*, and for the more effectual Exercise of the several Powers and Authorities vested in the said Company, that Means should be provided to enable the Execution of Deeds of Conveyance and other legal Instruments in *New Zealand* by and on behalf of the said Company, and that other Provisions should be made to facilitate the Interchange of Property in the Colony: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the said Company, by any Deed or Instrument in Writing under their Corporate Seal, from Time to Time to constitute and appoint any Persons to be, while actually within the Colony of *New Zealand* or its Dependencies, and for such limited Period (if any) as the said Company may think fit, the Attornies of the said Company, to make and execute, in the Name and on the Behalf of the said Company, Grants, Leases, Conveyances, and any other Deeds or Instruments whatsoever, of and in relation to any of the Lands and Property in the said Colony of *New Zealand* or its Dependencies now belonging to or hereafter to belong to the said Company, or over or in respect to which the said Company now has or hereafter may have any disposing or other Power or Authority whatsoever, subject nevertheless (so far as the same

10 & 11 Vict. c. 112.

Power to Company to appoint Attornies.

same may be applicable) to the Restrictions contained in the recited Acts, and from Time to Time as Occasion may require, and as to the said Company may seem meet, to revoke any such Deed or Instrument under the Corporate Seal of the said Company as aforesaid, and to make any other such Deed or Instrument for the like Purpose, which Grants, Leases, Conveyances, and other Deeds and Instruments to be made and executed by such Attornies shall be under the Signature of such Attornies, and under such Seal as herein-after mentioned.

and to revoke Appointments.

II. And be it enacted, That it shall be lawful for the said Company to appoint and commit to the Custody of the Attornies for the Time being constituted and appointed as aforesaid a Seal for the Purpose of making and executing such Grants, Leases, Conveyances, and other Deeds and Instruments as aforesaid, and such Seal from Time to Time to break, alter, or renew as to the said Company may seem meet; and every Grant, Lease, Conveyance, and other Deed and Instrument to be made and executed in manner aforesaid by such Attornies shall be as valid and effectual in Law, to all Intents and Purposes whatsoever, as if the same had been duly made and executed by the said Company without the Intervention of such Attornies.

To grant to such Attornies a Seal.

Deeds executed by Attornies valid, as if executed by the Company.

III. And be it enacted, That all Grants, Leases, Conveyances, and other Deeds and Instruments signed or purporting to be signed by such Attornies as aforesaid, and sealed or purporting to be sealed with the Seal for the Time being committed to such Attornies, shall be *primâ facie* Evidence not only of the Appointment and Continuance in Office of the Attornies under whose Signatures the same shall be or purport to be made, but also of their Signatures thereto, and the due sealing thereof with the Seal committed to such Attornies, and that it shall be the Duty of all Courts of Justice, Justices, and others, as well within as without any of Her Majesty's Colonies, to receive the same as such *primâ facie* Evidence.

Executed Deeds primâ facie Evidence of due Execution.

IV. Provided nevertheless, and be it enacted, That not less than Two Persons shall be appointed such Attornies as aforesaid by any Deed or Instrument, and that if in any Deed or Instrument more than Two Persons are appointed, any Two of the Persons so appointed, whether they alone of the Persons so appointed shall have accepted or shall continue in Office or not, shall (unless the contrary be provided by such Deed or Instrument) be as fully competent to act in all respects as the whole Body of Persons thereby appointed.

Not less than Two Attornies to be appointed.

V. And

Verification of Deeds for Registration.

V. And be it enacted, That, for all Purposes respecting Registration in the said Colony or its Dependencies, any Deed, Conveyance, or other Instrument, and any Memorial thereof, sealed or purporting to be sealed with the Seal of the said Company, shall be sufficient Evidence of the due Execution of such Deed, Conveyance, or other Instrument and Memorial by the said Company; and no further Evidence or Verification of such Execution, nor any Evidence or Verification of the Signature of the Secretary of the said Company or other Person or Persons who shall attest the sealing of such Deed, Conveyance, or other Instrument or Memorial, shall be required for the Purpose of such Registry, any Law, Ordinance, or Custom now or hereafter to be in force in *New Zealand* notwithstanding.

Act to extend to Colonies.

VI. And be it enacted, That this Act shall extend to the United Kingdom of *Great Britain* and *Ireland*, and also to Her Majesty's Colonies.

Public Act.

VII. And be it enacted, That this Act shall be deemed a Public Act.

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
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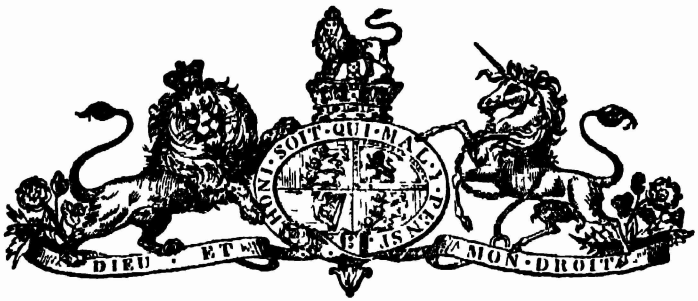


ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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To Persons who shall at one and the same Time purchase stamped Labels for Medicines the Duty whereon shall amount to Five Pounds or upwards, Five Pounds for every One hundred Pounds, and so in proportion for any greater or less Sum not under Five Pounds:

To Persons who shall at one and the same Time purchase stamped Labels for Medicines the Duty whereon shall amount to Fifty Pounds or upwards, Ten Pounds for every One hundred Pounds, and so in proportion for any greater or less Sum not under Fifty Pounds:

To Persons who shall at one and the same Time purchase stamped Labels for Medicines the Duty whereon shall amount to One hundred Pounds or upwards, Twelve Pounds Ten Shillings for every One hundred Pounds, and so in proportion for any greater or less Sum not under One hundred Pounds:

For receiving the Duty for and in respect of Gold Plate or Silver Plate made or wrought in *Great Britain*, paying the same, and making out the Accounts according to the Directions of the several Acts of Parliament in that Behalf made, Two Pounds Ten Shillings for every One hundred Pounds, and so in proportion for any greater or less Sum not under One hundred Pounds:

And whereas by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to repeal the Allowances made to Stationers on the Purchase of Stamps for Receipts at the Head Office in* London, *and to grant an Allowance to Persons purchasing such Stamps to a certain Amount of the Commissioners of Stamps or of the Distributors of Stamps in* Great Britain, the following Allowance was granted and made payable; (that is to say,)

9 G. 4. c. 27.

To every Person who at one and the same Time shall buy of the Commissioners of Stamps at their Head Office for Stamps in *London* Stamps for Receipts to the Amount of Five Pounds or upwards, or who at one and the same Time shall buy of any Distributor or Sub-Distributor of Stamps in any other Part of *Great Britain*, not being within the Distance of Ten Miles from the said Head Office, Stamps for Receipts to the Amount of One Pound or upwards, an Allowance of the Sum of Seven Pounds Ten Shillings for every One hundred Pounds, and so in proportion for any greater or less Sum than One hundred Pounds of such Stamps so purchased not under Five Pounds or One Pound respectively:

And whereas by an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to assimilate the Stamp Duties in* Great Britain *and* Ireland, *and to make Regulations for collecting and*

5 & 6 Vict. c. 82.

*and managing the same, until the Tenth Day of* October *One thousand eight hundred and forty-five,* and by Two several Acts subsequently passed for continuing the said last-mentioned Act, the same Allowances as are authorized by Law to be made or allowed in *England* in respect of the Stamp Duties or any of them in force there are directed to be made and are now payable in respect of the Stamp Duties in *Ireland:* And whereas since the granting of the said Allowances by the said Act of the Forty-fourth Year of the Reign of King *George* the Third the Rate of the Stamp Duties has been greatly increased, and by reason thereof the Rate of the said Allowances computed thereon has been in some Cases rendered excessive: And whereas, regard being had to the Object and Design of the said recited Acts in granting the said Allowances, the continuing of the same is in some Cases unnecessary: And whereas it is expedient to repeal the said Allowances, and to grant others in lieu thereof at a reduced Rate or limited as hereinafter directed: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Tenth Day of *October* One thousand eight hundred and forty-nine all the said several Allowances herein-before recited, and now payable in *Great Britain* and *Ireland* respectively, shall cease and determine, and the same are hereby repealed.

Recited Allowances repealed.

II. And be it enacted, That in lieu of the said several Allowances hereby repealed as aforesaid there shall be made, allowed, and paid in *Great Britain* and *Ireland* respectively the several Allowances following; (that is to say,)

Grant of Allowances in lieu of those repealed.

To any Person who at one and the same Time shall produce at the Office of the said Commissioners in *London* or *Dublin* to be stamped, or shall purchase of the said Commissioners at their Office in *London*, *Edinburgh*, or *Dublin*, Vellum, Parchment, or Paper stamped with Stamps (not being Labels for Medicines) under the Value respectively of Ten Pounds each, but to the Amount or Value in the whole of Thirty Pounds or upwards, One Pound Ten Shillings for every One hundred Pounds, and so in proportion for any greater or less Sum not under Thirty Pounds.

To any Person who shall at one and the same Time purchase of the Commissioners of Inland Revenue, at their Office in *London* or *Edinburgh*, stamped Labels for Medicines the Duty whereon shall amount to Fifty Pounds or upwards, Five Pounds for every One hundred Pounds, and so in proportion for any greater or less Sum not under Fifty Pounds.

For

For receiving the Duty for and in respect of Gold Plate or Silver Plate made or wrought in *Great Britain* or *Ireland*, paying the same, and making out the Accounts according to the Directions of the several Acts of Parliament in that Behalf made, One Pound for every One hundred Pounds so received, paid, and accounted for, and so in proportion for any greater or less Sum.

Allowances to be under the Care of the Commissioners of Inland Revenue, and all former Powers, Provisions, &c. to remain in force.

III. And be it enacted, That the said Allowances by this Act granted and made payable shall be under the Charge and Care of the Commissioners of Inland Revenue, and all Powers, Provisions, Clauses, Regulations, and Directions contained in any Act or Acts of Parliament or otherwise, and now in force, in relation to the several Allowances hereby repealed, shall be of full Force and Effect with respect to the several Allowances by this Act granted or made payable, as far as the same are or shall be applicable, and shall be observed, applied, and put in execution, so far as the same shall be consistent with the express Provisions of this Act, as fully and effectually, to all Intents and Purposes, as if the same had been herein repeated and specially enacted with reference to the said Allowances hereby granted and made payable.

Act may be amended, &c.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. LXXXI.

### An Act to authorize Her Majesty to issue a Commission to inquire into and report upon Rights or Claims over the *New Forest* in the County of *Southampton* and *Waltham Forest* in the County of *Essex*. [1st *August* 1849.]

WHEREAS the Boundaries of Her Majesty's Forest called the *New Forest* in the County of *Southampton*, and of Her Majesty's Forest called *Waltham Forest* in the County of *Essex*, and the Lands of Her Majesty's Subjects within the said Forests respectively, are in some Parts not clearly defined, and divers Purprestures, Encroachments, and Trespasses have been or are alleged to have been made on the Soil of Her Majesty within the said Forests respectively, and the Forestal Rights of Her Majesty in and over the said Forests respectively have been or are alleged to have been diminished, abridged, or prejudiced by unlawful Inclosures made within the Regard of the said Forests respectively, and divers Claims of Common of Pasture, Turbary, and Fuel, and other Claims, are made or preferred by or on behalf of divers of Her Majesty's Subjects in, upon, and over the said Forests or Portions thereof respectively; and it is expedient that such Matters should be inquired

 into,

into, and their Nature, Extent, and Value ascertained and defined: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for Her Majesty to issue or cause to be issued One or more Commission or Commissions under the Great Seal of *Great Britain*, or under the Seal of Her Majesty's Court of Exchequer at *Westminster*, and thereby to appoint any Person or Persons, not exceeding Three in Number, to be Commissioners for the Purposes of this Act, and to authorize and empower the said Commissioners so to be appointed, or any One or more of them, to inquire into and ascertain the Boundaries of the said Forests called the *New Forest* and *Waltham Forest* respectively, and of the Lands of Her Majesty's Subjects within the same, and to inquire of any Purprestures, Encroachments, or Trespasses on the Soil of Her Majesty within the said Forests respectively, and by whom and when made, and how occupied, and whether any and what unlawful Inclosures have been made, and are now continued, within the Regard of the said Forests respectively, whereby the Forestal Rights and Interests of Her Majesty have been in any and what respect diminished, abridged, or otherwise prejudiced, and whether any and what Lands lying within the Bounds of the said Forests respectively are quit and free of the Regard thereof respectively, or within and subject to the Regard thereof, or subject to any and what Forestal or other Rights of Her Majesty; and also to inquire whether any and what Person or Persons claim any and what Rights of Common, of Pasture, Fuel, Turbary, Fern, or other Rights or Interests in, upon, or over the said Forests, and whether in respect of any and what particular Lands or otherwise such Rights or Interests are claimed, and how and by whom such Rights or Claims have hitherto been exercised or enjoyed; also to inquire whether Her Majesty is entitled to any and what Rents or other Payments or Acknowledgments for or in respect of any of such Rights or Claims; and also to inquire into the Origin, Nature, Extent, and Particulars, and probable Value, of the Claims of Her Majesty's Subjects in, to, upon, or over the said Forests respectively, and to receive and deliberate upon any Offers or Proposals which may be made for commuting, surrendering, or extinguishing all or any of such Claims; and to inquire into the Nature, Constitution, Powers, Jurisdiction, and Practice of any Forest Court heretofore held within the said Forests respectively, and the Sufficiency or Insufficiency thereof for the Purposes for which such Courts were constituted, and as to the Expediency of re-modelling or abolishing the said Courts, and as to the Expediency of creating and forming any extra-parochial Portions of the said Forests respectively into

**Her Majesty may appoint Commissioners to inquire into and ascertain Boundaries of New Forest, &c.**

into One or more Parish or Parishes, or adding the same to any existing Parish or Parishes, and generally to carry on and prosecute such other Inquiries as shall in the Judgment of the said Commissioner or Commissioners tend to enable them to make Reports upon the Premises as herein-after directed; and the said Commissioner or Commissioners so to be appointed as aforesaid are hereby empowered, as regards his or their Inquiries in relation to the *New Forest*, to sit at such convenient Time and Place within the County of *Southampton*, and as regards his or their Inquiries in relation to *Waltham Forest*, to sit at such convenient Time and Place within the County of *Essex*, as he or they shall appoint, and then and there, by the Testimony of Witnesses upon Oath or solemn Affirmation (which Oath or Affirmation any One of the said Commissioners is hereby authorized and empowered to administer), and by the Inspection and Examination of Records, Deeds, Muniments, and Writings, or by any other legal Proof or Evidence, to carry on and prosecute the Inquiries aforesaid, and such other Inquiries as shall enable the said Commissioners from Time to Time to report touching the Premises.

Power to Treasury to direct Payment of One of the Commissioners, and Expenses under this Act.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury to direct such Sum as they in their Discretion shall think fit, not exceeding Five hundred Pounds *per Annum*, to be paid out of the accruing Income of the Woods and Forests of the Crown to any One of the Commissioners appointed to carry this Act into execution, as a Remuneration for his Services therein, and also such further Sums as they may think fit for the Remuneration of a Clerk to such Commissioners and for defraying the necessary Expenses to be incurred by the said Commissioners in conducting the Inquiry as herein directed.

Commissioners to make a Declaration before acting.

III. And be it enacted, That the said Commissioner or Commissioners so to be appointed, before they shall be capable of acting in the Execution of this Act, shall severally make and subscribe a solemn Declaration before a Justice of the Peace in the Words or to the Effect following; that is to say,

'I *A.B.* do solemnly declare, That I will faithfully, impartially, and honestly, according to the best of my Skill and Judgment, execute the several Powers reposed in me by an Act of the Twelfth and Thirteenth Year of the Reign of Her Majesty Queen Victoria [*here insert the Title of this Act*], according to the Tenor and Purport of the said Act.'

Power to Commissioners to take Evidence and

IV. And be it enacted, That it shall be lawful for the said Commissioners to call before them at any of their public Meetings any Person or Persons, either to give Evidence or to produce any Records or other Documents

call for Records, &c.

Documents in his, her, or their Possession, Custody, or Power, not relating to his or her private Estate or to the private Estate of any other Person or Persons, and which the said Commissioners shall think necessary or proper to be examined for the Purposes of any of the Inquiries directed by this Act, or by the Commission or Commissions to be issued as aforesaid; and any Person (being duly summoned), and after Tender of his reasonable Expenses in that Behalf, refusing or omitting to appear or to give Evidence, or to produce such Records or Documents, without reasonable Excuse for such Refusal or Omission, shall forfeit any Sum not exceeding Ten Pounds nor less than Forty Shillings, to be recovered and applied in manner herein-after directed.

Public Notice of Meetings to be given.

V. And to the intent that no Person may have any just Cause or Pretence for not appearing before the said Commissioners at their Meetings to be held for the Purpose of carrying this Act into execution, be it enacted, That the said Commissioners shall give public Notice of the Time and Place of every intended Meeting, by Publication of such Notice Fourteen Days at least before such Meeting in one of the public Newspapers usually published or circulated in the County of *Southampton* as regards the *New Forest*, and in the County of *Essex* as regards *Waltham Forest*, when and where any Person having any Rights or Claims within the said Forests respectively may be at liberty to attend and lay the same before the said Commissioners: Provided always, that the said Commissioners may from Time to Time adjourn their Meeting to any future Day and to any Place within the said Counties respectively, without giving any public Notice thereof in any Newspaper: Provided always, that the Place of Meeting, as respects Inquiries relating to the *New Forest*, shall be at some convenient Place in or in the immediate Vicinity of the *New Forest*, and as respects Inquiries relating to *Waltham Forest* shall be at some convenient Place in or in the immediate Vicinity of *Waltham Forest*.

Meetings may be appointed by any One or more of the Commissioners.

VI. And be it enacted, That it shall be lawful for Her Majesty, by the Commission or Commissions to be issued as aforesaid, to authorize and empower any One or more of the said Commissioners to hold Meetings for the Purpose of carrying this Act into execution, and to do, exercise, and perform all such Acts, Powers, Matters, and Things as in and by this Act, or the Commission or Commissions to be issued in pursuance thereof, are or shall be directed or authorized to be done.

Proceedings of Commissioners to be entered in Books, which

VII. And be it enacted, That any One or more of the said Commissioners acting under such Commission as aforesaid shall cause all his or their Inquiries, Examinations, and Proceedings to be fairly entered in

in Books to be kept for that Purpose, one Set of Books being appropriated to the Inquiries and Proceedings relating to the *New Forest*, and another Set of Books being appropriated to the Inquiries and Proceedings relating to *Waltham Forest*, which Books, duly signed and certified by the said Commissioners, shall be returned into the Office of the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, there to remain and be kept.

shall be returned into Office of Woods, &c.

VIII. And be it enacted, That all Fines and Penalties imposed by this Act may be recovered in a summary Way before any Justice or Justices of the Peace for the County, Riding, Division, or Place in which the Person having incurred the same shall happen to be, and in case any Penalty or Fine recovered before any Justice or Justices of the Peace in pursuance of this Act shall not be paid forthwith, it shall be lawful for the Justice or Justices by whom such Fine shall be set or imposed or before whom such Penalty shall be recovered, by Warrant under his Hand and Seal or their Hands and Seals, and directed by such Justice or Justices to any Constable or other Peace Officer, to cause such Fine or Penalty to be levied by Distress and Sale of the Offender's Goods and Chattels, together with all Costs and Charges attending such Distress and Sale, and in case no sufficient Distress can be had or made, such Justice or Justices shall, if they shall think proper, commit the Offender to the Common Gaol for or some House of Correction within the said County, Riding, Division, City, Town, or Place as aforesaid, there to remain not exceeding Two Calendar Months.

Recovery of Penalties.

IX. And be it enacted, That all Penalties recovered and all Fines imposed by virtue or in pursuance of this Act shall be by the Justice or Justices receiving the same forthwith paid over to the Commissioners for the Time being of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, and be applied in or towards defraying the Expenses attending the Execution of this Act.

Application of Penalties.

X. And be it enacted, That the said Commissioner or Commissioners shall, at such Time or Times and in such Manner and Form as may in that Behalf be directed by any such Commission or Commissions as aforesaid, report to the Lord High Treasurer or Commissioners of Her Majesty's Treasury for the Time being the Result and full Particulars of their Inquiries into the several Matters aforesaid, with his or their Opinion or Opinions thereon.

Commissioners to report to Treasury.

XI. And be it enacted, That in case any Commissioner to be appointed as aforesaid shall die, or be removed or become incapable to

As to Appointment of new Commissioners.

to act, before the Duties of the said Commission shall be fully performed, then, and so often as the same shall happen, it shall be lawful for Her Majesty to appoint any other Person or Persons to be a Commissioner or Commissioners in the Place of the Commissioner who shall have died, been removed, or become incapable to act; and the surviving or continuing Commissioner or Commissioners (if any) and the Commissioner or Commissioners appointed as last aforesaid, or any One or more of them, shall proceed in the Discharge of the Duties imposed by this Act or by the Commission or Commissions to be issued in pursuance thereof, or the Commissioner or Commissioners to be first appointed, in the same or the like Manner, and with the same Powers and Authorities in all respects, as such Commissioner or Commissioners might have done in case such Death, Removal, or becoming incapable to act had not taken place.

Public Act.

XII. And be it enacted, That this Act shall be deemed a Public Act, and shall be judicially taken notice of as such by all Judges, Justices, and others.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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situate within such County in which a separate Court of Quarter Sessions of the Peace should be holden, and which before the passing of the Act intituled *An Act to settle and describe the Divisions of Counties, and the Limits of Cities and Boroughs, in* England *and* Wales, *so far as respects the Election of Members to serve in Parliament*, was chargeable with or liable to contribute in whole or in part to the County Rate of such County, and should make an Order on the Council of every such Borough for the Payment of such Proportion of such Sum as would have been chargeable, after deducting all Sums of Money received in aid of the County Rate as aforesaid, if the said Act had not passed, upon such Borough as the same should be bounded according to the Provisions of the said Act; and the Council of such Borough should forthwith order the same, with all reasonable Charges of making and sending the said Account, to be paid to the Treasurer of such County out of the Borough Fund: And whereas by an Act passed in the Session of Parliament held in the Fifth and Sixth Years of the Reign of Her present Majesty, and intituled *An Act to amend the Laws concerning Prisons*, it is required that in every Borough in which there is or shall be a Body Corporate of Mayor, Aldermen, and Burgesses under the Provisions of the said firstly herein-before recited Act, and to which a separate Court of Sessions of the Peace hath been or shall be granted, there shall be One Gaol and at least One House of Correction, (except only where such Contracts as in the said Act mentioned have or shall have been entered into by the said Mayor, Aldermen, and Burgesses, and shall be subsisting, for the Maintenance of Prisoners committed from such Borough,) and every such Gaol and House of Correction is to be provided and maintained by and at the Cost of the same Borough: And whereas it is just and expedient that every such Borough having, or providing and maintaining, at its separate Cost, such Gaol and House of Correction, should be exempted from paying or contributing to the Costs also of providing or erecting and maintaining any new Gaol for the County in which the same is situate, except only as is herein-after excepted: And whereas it is also just and expedient that every such Borough having, or providing and maintaining, either alone or jointly with other Parties, any sufficient Asylum or Asylums for the Reception and Maintenance of its Pauper Lunatics according to the Provisions of an Act passed in the Session of Parliament held in the Eighth and Ninth Years of Her present Majesty, intituled *An Act to amend the Laws for the Provision and Regulation of Pauper Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics in* England, should be exempted from paying or contributing to the Costs also of providing, erecting, or maintaining any Pauper Lunatic Asylum for the County in which the same Borough is situate, and of maintaining the Pauper Lunatics chargeable thereto: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act no Borough to which a separate Court of Quarter Sessions of

2 & 3 W. 4. c. 64.

5 & 6 Vict. c. 98.

8 & 9 Vict. c. 126.

Boroughs having or

of the Peace hath or shall have been granted under the Provisions of the said firstly-recited Act, and which shall possess or provide, or shall have commenced and shall be *bonâ fide* proceeding with the Construction of a sufficient Gaol and House of Correction to the Satisfaction of One of Her Majesty's Principal Secretaries of State for the Custody and Correction of Persons committing Offences within such Borough, shall, under the Provisions of the said first-recited Act or otherwise, be charged with or liable to pay or contribute any Costs, Charges, or Expenses to be incurred by any County in which such Borough shall be wholly or partly situate, in purchasing or providing a Site for or erecting or completing or maintaining any new Gaol or House of Correction for such County, except only that in calculating the Monies which any Borough shall be liable to pay or contribute under the Provisions of the said firstly-recited Act on account of any Costs arising out of the Prosecution, Maintenance, and Punishment, Conveyance and Transport, of any Offenders committed for Trial to the Assizes in such County from the same Borough, or, under the Provisions of the said Act for the Amendment of the Laws concerning Prisons, on account of the Expenses incurred in the Conveyance, Transport, Maintenance, safe Custody, and Care of any Persons committed for Offences arising within such Borough, and sent to any Prison of the County in which such Borough is situate, it shall be lawful for the Parties or Party making such Calculation to include therein such Proportion of any Monies which shall be paid by the County out of the County Rate, or out of any Monies received in aid of the County Rate (Monies borrowed by the County not being considered as Monies received in aid of the County Rate), on account of the Purchase or the providing of a Site for, or Erection, Completion, or Maintenance of such Gaol or House of Correction, or on account of the Principal or Interest of any Monies which shall have been borrowed by the County for such Purposes, or any of them, as the Number of Borough Prisoners which shall have been in Custody in any Gaol or House of Correction belonging to the said County during the Period for which such Calculation shall be made shall bear to the whole Number of Prisoners during the same Time confined in all the Gaols and Houses of Correction belonging to the said County; provided that nothing in this Act contained shall extend to exempt any such Borough from contributing its Proportion of any Expense heretofore incurred, for any of the Purposes aforesaid, by any County in which such Borough shall be situate as aforesaid, but every such Borough shall remain liable to and pay such Proportion thereof as it would have been chargeable with in case this Act had not passed; provided also, that no such Borough shall be entitled to or be allowed Credit for any Share or Proportion of any Monies to arise or be produced from the Sale of any old or unnecessary Gaol or House of Correction belonging to such County, or of the Site thereof, anything in the said firstly-recited Act or any other Act contained notwithstanding.

providing a Gaol and House of Correction not to be liable to contribute to a County Gaol and House of Correction, except in a certain Manner.

II. And be it enacted, That from and after the passing of this Act no such Borough as aforesaid which shall possess or provide, or shall have

Boroughs having or providing a Lunatic

Asylum not to be liable to contribute to County Asylum.

have commenced and shall be *bonâ fide* proceeding with the Construction of a sufficient Asylum to the Satisfaction of One of Her Majesty's Principal Secretaries of State for the Reception or Care of the Pauper Lunatics in such Borough, in pursuance of the said Act for amending the Laws for the Provision and Regulation of Lunatic Asylums for Counties and Boroughs, and for the Maintenance and Care of Pauper Lunatics in *England*, shall be liable to pay or contribute to the Payment of any Costs, Charges, or Expenses incident to the future or subsequent Purchase, Erection, fitting up, or Maintenance of any new Lunatic Asylum by the County in which such Borough is situate, or to the Payment of any Costs, Charges, or Expenses which may be incurred after such Asylum shall be actually opened for the Reception or Care of the Pauper Lunatics in such Borough, for maintaining any Pauper Lunatics chargeable to such County.

Providing for Cases where Settlement of Pauper Lunatics is unknown.

III. Provided always, and be it enacted, That when any Pauper Lunatic shall, in pursuance of the Provisions of the said in part recited Act of the Eighth and Ninth Years of the Reign of Her present Majesty, be confined within a Lunatic Asylum belonging to any Borough, or within any House duly licensed, or any Hospital registered for the Reception of Lunatics within such Borough, or shall be found wandering within the Limits of such Borough, and it cannot be ascertained in what Parish such Pauper Lunatic is settled, it shall not be lawful for any Justice to adjudge such Pauper Lunatic to be chargeable to the County in which such Borough is situated, nor to make any Order upon the Treasurer of such County for the Payment of any Expenses whatsoever incurred or to be incurred in respect of the said Lunatic; and all the Clauses and Provisions in the said last in part recited Act as to the Mode of determining that a Pauper Lunatic is chargeable to a County, and as to the Order to be made for the Maintenance of such Pauper Lunatic, shall extend and be applied to such Borough, as fully and effectually to all Intents and Purposes as if all the said Clauses and Provisions were repeated and re-enacted in this Act and made applicable to such Borough, in the same Manner in all respects as though for the Purposes of this Provision such Borough were a separate and distinct County.

Interpretation of Act.

IV. And be it enacted, That throughout this Act, where there shall be nothing in the Subject or Context repugnant to such Construction, Words importing the Singular Number shall include the Plural Number, and *vice versâ;* and the Word "Prison" shall include Gaol and House of Correction.

As to Extension of Act.

V. And be it enacted, That this Act shall extend only to *England* and *Wales*.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

## CAP. LXXXIII.

### An Act further to facilitate the Inclosure of Commons, and the Improvement of Commons and other Lands. [1st *August* 1849.]

WHEREAS an Act was passed in the Session of Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands, to provide Remedies for defective or incomplete Executions and for the Non-execution of the Powers of general and local Inclosure Acts, and to provide for the Revival of such Powers in certain Cases:* And whereas an Act was passed in the Session of Parliament holden in the Ninth and Tenth Years of Her present Majesty, intituled *An Act to amend the Act to facilitate the Inclosure and Improvement of Commons:* And whereas an Act was passed in the Session of Parliament holden in the Tenth and Eleventh Years of Her present Majesty, intituled *An Act to extend the Provisions of the Act for the Inclosure and Improvement of Commons:* And whereas an Act was passed in the Session of Parliament holden in the Eleventh and Twelfth Years of Her present Majesty, intituled *An Act to further extend the Provisions of the Act for the Inclosure* 8 & 9 Vict. c. 118. 9 & 10 Vict. c. 70. 10 & 11 Vict. c. 111. 11 & 12 Vict. c. 99.

*and Improvement of Commons:* And whereas it is expedient that the Provisions of the said Acts should be further extended: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Valuer in the Matter of any Inclosure, with the Approbation of the Inclosure Commissioners for *England* and *Wales*, to declare by his Award how much and which Part of any of the Lands to be allotted, divided, or dealt with by such Award, or of any Roads passing over or through the same or any Part thereof, shall be and be deemed to be situate in any Parish or Parishes in which any of the Land so to be divided, allotted, or dealt with shall be situate; and after the Date of the Confirmation of such Award so much and such Part of such Lands and Roads shall be and be deemed Part of the Parish or Parishes in which such Award shall declare them to be situate: Provided always, that no such Declarations as aforesaid shall be made in any Award where it shall appear to the said Inclosure Commissioners that there is any Dispute or Difference as to the Parish or Parishes in which such Land or Road, or any Part thereof respectively, to be dealt with by such Declaration, is situated: Provided also, that no Award containing such Declaration as aforesaid shall be confirmed by the Inclosure Commissioners, where it shall appear to them that the Boundaries of any Counties would be affected by such Declaration, until Notice in Writing under the Hand of the Valuer of his Intention to insert the same in his Award shall have been served upon the respective Clerks of the Peace of the Counties, the Boundaries of which may be affected by such Declaration, or shall have been left at their respective Offices of Business; and if within the Space of Fourteen Days after the holding of the next General Quarter Sessions for each of such Counties, or of the last of such respective Sessions, a Requisition in Writing under the Hand of the Clerk of the Peace of either of such Counties, and countersigned by the Chairman who shall have presided at such Quarter Sessions as aforesaid holden for the same County, requiring the Omission of such Declaration from such Award, shall be sent to the Inclosure Commissioners, such Commissioners shall not confirm such Award with such Declaration as aforesaid therein.

New Boundaries of Parishes may be set out.

II. And be it enacted, That whenever Persons interested in any Land to be inclosed under the Provisions of the said recited Acts shall be entitled to any similar Rights of Common or other similar Rights over the Lands to be inclosed, and it shall appear to the Valuer in the Matter of such Inclosure that it would be for the Benefit of such Persons to be dealt with as a Class in the Matter of such Inclosure, it shall be lawful for the said Inclosure Commissioners, on the Representation

Persons having Rights of Common may be dealt with as a Class.

tation of the said Valuer, to call a Meeting of the Persons interested, for the Purpose of ascertaining whether Two Thirds in Number of the Persons present at such Meeting shall be desirous of being dealt with as a Class; and the Commissioners shall, if they shall so think fit, appoint an Assistant Commissioner to be present and preside at such Meeting, and to take the Votes of the Persons present thereat; and such Assistant Commissioner (if any) or the Chairman of the Meeting shall report to the said Commissioners whether Two Thirds in Number of the Persons present at such Meeting are desirous of being dealt with as a Class as aforesaid; and if it shall appear that Two Thirds of such Persons are desirous of being dealt with as a Class, it shall be lawful for the Commissioners, by an Order under their Seal, if they shall so think fit, to direct that the Persons entitled to such similar Rights of Common or other similar Rights as aforesaid shall be dealt with as a Class; and after such Order all the Provisions of the said recited Acts applicable to a Class shall be applicable to the Persons so interested in the Matter of such Inclosure, as if they had been a Class under the Provisions of the said recited Acts. Class.

III. And whereas Doubts have arisen whether, under the Provisions of the said first-recited Act, after a Meeting shall have been holden to give Instructions to a Valuer in the Matter of any Inclosure, any other Meeting after such first can be holden for the Purpose of giving further Instructions to such Valuer in the Matter of such Inclosure: Be it declared and enacted, That in all Cases where in the Matter of any Inclosure a Meeting shall have been holden for the Purpose of giving such Instructions, it shall be lawful for the said Commissioners to call other Meetings to give further Instructions to the Valuer in the Matter of any Inclosure, subject to all the Provisions of the said first-recited Act as regards the First Meeting held for the Purpose aforesaid, so far as the same shall be applicable to the Second or any subsequent Meeting; and when any Instructions shall have been given previously to the passing of this Act to the Valuer in the Matter of any Inclosure at a Meeting for such Purpose subsequent to the first Instructions, and allowed by the said Commissioners, the same shall be as valid and of the same Force and Effect as if they had been given at the First Meeting called for such Purpose; provided that the Commissioners shall not allow any Instructions given at any Second or subsequent Meeting, whereby any Arrangement entered into or made by the first Instructions for the Protection or Convenience of any Persons interested in the Inclosure shall be prejudicially affected, if such Persons, after such reasonable Notice to be given for that Purpose as the Commissioners shall think fit, shall signify, in Writing to the Commissioners, their Dissent from such subsequent Instructions. Meetings for Instructions.

IV. And

Commissioners may complete Proceedings under 6 & 7 W. 4. c. 115.

IV. And be it enacted, That all the Powers and Authorities in anywise enabling the said Commissioners to complete Proceedings under any local Act of Inclosure shall be applicable to Proceedings commenced under the Provisions of an Act passed in the Seventh Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for facilitating the Inclosure of Open and Arable Fields in* England *and* Wales.

Quit Rents, Chief Rents, and Heriots.

V. And be it enacted, That it shall be lawful for the said Commissioners in the Matter of any Inclosure, by the Provisional Order, or by any other Order under their Seal, to declare that an Allotment or Allotments in lieu of Quit Rents, Chief Rents, or Heriots shall be given to the Lord of the Manor to whom such Quit Rents, Chief Rents, or Heriots are payable out of any old Inclosure in respect of which an Allotment would be made, or would have been payable out of any Allotments on the Confirmation of the Award, and the Valuer shall upon the Issue of such Provisional or other Order set out such Allotment or Allotments; provided always, that no such Allotment in lieu of such Quit Rents, Chief Rents, or Heriots shall be made except with the Consent of such Lord.

Balance of Money raised by Sale of Land.

VI. And be it enacted, That where any Monies shall have been raised by Sale of Land in the Matter of any Inclosure for the Expenses thereof, and any Balance out of such Monies shall after the Payment of such Expenses remain in the Hands of the Inclosure Commissioners, it shall be lawful for the said Commissioners to pay the same to the Persons interested, in such Proportions and under such Restrictions or Conditions as they shall deem just.

Exchange and Partition of Rights, &c.

VII. And be it enacted, That all the Provisions of the said recited Acts applicable to the Powers of Exchange and Partition under the said recited Acts shall extend and be applicable to the Exchange of all Rights of Common, Rights of Fishing, Manorial and other Rights, and all Easements over any Land, and all Quit Rents, Chief Rents, Heriots, Tithes, and Rent-charges for any other of the said Rights, Easements, and Things, whether of the same or a like or different Nature, or for Land, and also to the Partition of the same respectively; and when Two or more Persons shall be interested jointly, severally, as a Class, or in common, in any Rights or Property proposed to be exchanged or partitioned under this or the said recited Acts, the Application of Two Thirds in Value of the Persons so interested jointly, severally, as a Class, or in common, as aforesaid, shall be deemed the Application of all Persons interested or having any Estate therein.

VIII. And

VIII. And be it enacted, That where Lands proposed to be inclosed under the said recited Acts shall consist of separate Tracts of Open and Common Arable, Meadow, and Pasture Lands or Fields, entirely or in part, or of Common or Waste Lands subject to Rights of Common, entirely or in part, or shall otherwise consist of separate and distinct Tracts, and it shall appear to the said Commissioners that Two Thirds in Value of the Persons interested in the Entirety of such Tracts shall have assented to the proposed Inclosure on the Terms and Conditions in their Provisional Order specified, it shall be lawful for the said Commissioners, if they shall see fit, to proceed therewith.

Separate Tracts.

IX. And be it enacted, That all the Provisions of the said recited Acts applicable to the ascertaining, setting out, and fixing the Boundaries of any Parish or Manor in which the Land proposed to be inclosed, or any Part thereof, shall be situate, and of any Parish or Manor adjoining thereto, shall extend and be applicable to the ascertaining, setting out, and fixing of the Boundaries of any Township, Vill, Hamlet, or Tithing not having separate Overseers of the Poor, and of a Manor, although the same shall not abut or adjoin upon any other Manor.

Extending Provisions of recited Acts to the fixing Boundaries under this Act.

X. And be it enacted, That if in any Case, after the Valuer acting in the Matter of any Inclosure shall under the Authority and Direction of the Commissioners, and in manner provided by the said first-recited Act, have ordered all or any Part of the Rights of Sheepwalk, Common or other Rights, in or over the Land to be inclosed, or any Part thereof, to be extinguished, or the Exercise thereof to be suspended, or after such Valuer shall under the Authority of the same Act have directed any Allotment to be made in such Inclosure to be entered upon by the Person for whom the same shall be intended, any Person, other than and except, as to any Allotment directed to be entered upon, the Person for whom such Allotment is intended, shall exercise any Act of Ownership upon or in respect of any Land the Rights in, upon, or over which shall have been so extinguished or shall be so suspended, or any Land so directed to be entered upon, whether by erecting Huts or other Buildings or Erections thereon, or by putting up Fences, or digging therein, on being convicted thereof before Two Justices of the Peace having Jurisdiction in the County or Place, shall forfeit and pay for and in respect of every such Act of Ownership such Sum of Money not exceeding Five Pounds as such Justices shall think proper to inflict by way of Penalty, and such Sum shall be paid to the Valuer, to be applied by him in aid of the Expenses in such Inclosure, or to the Person lawfully in possession of such Allotment,

How Persons exercising Acts of Ownership where Rights suspended or extinguished, or Allotments directed to be entered upon, may be proceeded against.

as the Justices may think fit and direct; and the Justices may by their Order legally vest any Property or Effects erected or placed upon the Land by the Exercise of any such Act of Ownership in the Valuer, to be removed, sold, and applied by him in aid of such Expenses, or in the Person lawfully in possession of such Allotment, as the Justices may think fit and direct; and the Provisions of the Act of the Seventh and Eighth Years of King *George* the Fourth, intituled *An Act for consolidating and amending the Laws in* England *relative to malicious Injuries to Property*, concerning the Prosecution of Offenders punishable on summary Conviction under such Act, and the Form of such Conviction, and concerning the Cases of a summary Conviction under such Act where the Sum which shall be forfeited for the Amount of Injury done shall not be paid, and all other Provisions of such Act consequent upon or in relation to such Proceedings and Conviction, shall be applicable to the Offences under this Act, and the Prosecution and Conviction for the same respectively, save that any Matter by the said Act directed to be done by the Justice shall be done by Two Justices as aforesaid: Provided always, that no Remedy which any Person in possession of the Land under a Direction by the Valuer to enter thereon might otherwise have in respect of any such Act of Ownership, under the fourthly above-recited Act or otherwise, shall be in any Manner prejudiced or affected by the Provision last hereinbefore contained.

7 & 8 G. 4. c. 30.

Remedies independent of this Provision to be unprejudiced.

Lands held under separate Titles by the same Person may be exchanged.

XI. And whereas Doubts have arisen whether, under the said recited Acts, a Person interested in several Subject Matters of Exchange, but held under separate Titles, or for distinct and separate Interests, or subject to separate Charges or Incumbrances, can effect an Exchange thereof: Be it declared and enacted, That the Person so interested as aforesaid may effect Exchanges of such several Subject Matters of Exchange in such and the same Manner as if different Persons had been interested therein.

Recited Acts deemed Part of this Act.

XII. And be it enacted, That this Act shall be taken to be a Part of the said recited Acts, and be construed therewith.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

## CAP LXXXIV.

### An Act for carrying into effect Engagements between Her Majesty and certain *Arabian* Chiefs in the *Persian Gulf* for the more effectual Suppression of the Slave Trade. [1st *August* 1849.]

WHEREAS on the Thirtieth Day of *April* in the Year of our Lord One thousand eight hundred and forty-seven an Engagement was concluded between Major *S. Hennell*, the Resident in the *Persian Gulf*, on behalf of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, and *Sultan Bin Sugger*, Shaik of *Ras-el-Khyma* and *Shargah* in the *Persian Gulf*, the Chief of the *Joasmee Arabs*, whereby it was agreed as follows:

" I, Shaik *Sultan Bin Sugger*, Chief of the *Joasmee* Tribe, with " a view to strengthen the Bonds of Friendship existing between me " and the *British* Government, do hereby engage to prohibit the " Exportation of Slaves from the Coasts of *Africa* and elsewhere " on board of my Vessels, and those belonging to my Subjects or " Dependents, such Prohibition to take effect from the 1st Day of " *Mohurrum* 1264 A.H. (or 10th *Dec.* 1847 A.D.)

" And I do further consent, that whenever the Cruizers of the " *British* Government fall in with any of my Vessels, or those belonging " to my Subjects or Dependents, suspected of being engaged in the

" Slave Trade, they may detain and search them; and in case of their " finding that any of the Vessels aforesaid have violated this Engage- " ment, by the Exportation of Slaves from the Coasts of *Africa* or " elsewhere, upon any Pretext whatsoever, they (the Government " Cruizers) shall seize and confiscate the same:"

And whereas on the said Thirtieth Day of *April* One thousand eight hundred and forty-seven an Engagement was also concluded between Major *S. Hennell*, the Resident in the *Persian Gulf*, on behalf of Her Majesty the Queen of the United Kingdom of *Great Britain* and *Ireland*, and *Muktoom Bin Buttye*, Shaik of *Debaye*, whereby it was agreed as follows:

" I, *Muktoom Bin Buttye*, Shaik of *Debaye*, with the view to " strengthen the Bonds of Friendship existing between me and the " *British* Government, do hereby engage to prohibit the Exportation " of Slaves from the Coasts of *Africa* and elsewhere on board of " my Vessels, and those belonging to my Subjects or Dependents, such " Prohibition to take effect from the 1st Day of *Mohurrum* 1264 A.H. " (or 10th *Dec.* 1847 A.D.)

" And I do further consent, that whenever the Cruizers of the " *British* Government fall in with any of my Vessels, or those " belonging to my Subjects or Dependents, suspected of being " engaged in the Slave Trade, they may detain and search them; " and in case of their finding that any of the Vessels aforesaid have " violated this Engagement, by the Exportation of Slaves from the " Coasts of *Africa* or elsewhere, upon any Pretext whatsoever, they " (the Government Cruizers) shall seize and confiscate the same."

And whereas on the First Day of *May* in the said Year One thousand eight hundred and forty-seven an Engagement was also concluded between the said Major *S. Hennell*, on behalf of Her Majesty, and *Abdool Azeez Bin Rashid*, Shaik of *Eginan*, whereby it was agreed as follows:

" I, *Abdool Azeez Bin Rashid*, Shaik of *Eginan*, with the view " to strengthen the Bonds of Friendship existing between me and the " *British* Government, do hereby engage to prohibit the Exportation " of Slaves from the Coasts of *Africa* and elsewhere on board of my " Vessels, and those belonging to my Subjects or Dependents, such " Prohibition to take effect from the 1st Day of *Mohurrum* 1264 " A. H. (or 10th *Dec.* 1847 A. D.)

" And I do further consent, that whenever the Cruizers of the " *British* Government fall in with any of my Vessels, or those be- " longing to my Subjects or Dependents, suspected of being engaged " in the Slave Trade, they may detain and search them; and in case " of their finding that any of the Vessels aforesaid have violated this " Engagement, by the Exportation of Slaves from the Coasts of

" *Africa*

" *Africa* or elsewhere, upon any Pretext whatsoever, they (the " Government Cruizers) shall seize and confiscate the same."

And whereas on the said First Day of *May* an Engagement was concluded by the said Major *S. Hennell*, on behalf of Her Majesty, and Shaik *Abdullah Bin Rashid*, Shaik of *Amulgavine*, whereby it was agreed as follows:

" I, *Abdullah Bin Rashid*, Shaik of *Amulgavine*, with a view to " strengthen the Bonds of Friendship existing between me and the " *British* Government, do hereby engage to prohibit the Exportation " of Slaves from the Coast of *Africa* and elsewhere on board of my " Vessels, and those belonging to my Subjects or Dependents, such " Prohibition to take effect from the First Day of *Mohurrum* " 1264 A.H. (or 10th *December* 1847 A.D.)

" And I do further consent, that whenever the Cruizers of the " *British* Government fall in with any of my Vessels, or those belong- " ing to my Subjects or Dependents, suspected of being engaged in " the Slave Trade, they may detain and search them; and in case of " their finding that any of the Vessels aforesaid have violated this " Engagement, by the Exportation of Slaves from the Coasts of *Africa* " or elsewhere, upon any Pretext whatsoever, they (the Government " Cruizers) shall seize and confiscate the same."

And whereas on the Third Day of *May* in the said Year One thousand eight hundred and forty-seven an Engagement was concluded by the said Major *S. Hennell*, on behalf of Her Majesty, and Shaik *Saeed Bin Tahnoon*, Chief of *Aboothabee*, whereby it was agreed as follows:

" I, *Saeed Bin Tahnoon*, Shaik of the *Beni Yas*, Chief of *Aboothabee*, " with a view to strengthen the Bonds of Friendship existing between " me and the *British* Government, do hereby engage to prohibit the " Exportation of Slaves from the Coasts of *Africa* and elsewhere on " board of my Vessels, and those belonging to my Subjects or De- " pendents, such Prohibition to take effect from the 1st Day of " *Mohurrum* 1264 A.H. (or 10th *December* 1847.)

" And I do further consent, that whenever the Cruizers of the " *British* Government fall in with any of my Vessels, or those belong- " ing to my Subjects or Dependents, suspected of being engaged in " the Slave Trade, they may detain and search them; and in case of " their finding that any of the Vessels aforesaid have violated this " Engagement, by the Exportation of Slaves from the Coasts of " *Africa* or elsewhere, upon any Pretext whatsoever, they (the " Government Cruizers) shall seize and confiscate the same."

And whereas on the Eighth Day of *May* in the said Year One thousand eight hundred and forty-seven an Engagement was concluded by the said Major *S. Hennell*, on behalf of Her Majesty, and Shaik *Mahomed*

*homed Bin Khuleefa Bin Subman*, Chief of *Bahrein*, whereby it was agreed as follows:

"I, *Mahomed Bin Khuleefa Bin Subman*, Chief of *Bahrein*, with "the view to strengthen the Bonds of Friendship existing between "me and the *British* Government, do hereby engage to prohibit the "Exportation of Slaves from the Coasts of *Africa* and elsewhere on "board of my Vessels, and those belonging to my Subjects or "Dependents, such Prohibition to take effect from the 1st Day of "*Mohurrum* 1264 A.H. (or 10th *December* 1847 A.D.)

"And I do further consent, that whenever the Cruizers of the "*British* Government fall in with any of my Vessels, or those "belonging to my Subjects or Dependents, suspected of being "engaged in the Slave Trade, they may detain and search them; "and in case of their finding that any of the Vessels aforesaid have "violated this Engagement, by the Exportation of Slaves from the "Coasts of *Africa* or elsewhere, upon any Pretext whatsoever, they "(the Government Cruizers) shall seize and confiscate the same."

And whereas it is expedient that effectual Provision should be made for carrying into execution the Provisions of the said several Agreements: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commanders and other Officers of Her Majesty's Ships of War, or of the *East India* Company, to visit and detain in any Seas any Vessel belonging to either of the said respective Chiefs Shaik *Sultan Bin Sugger*, Chief of the *Joasmee* Tribe, *Muktoom Bin Buttye*, Shaik of *Debaye*, *Abdool Azeez Bin Rashid*, Shaik of *Eginan*, *Abdullah Bin Rashid*, Shaik of *Amulgavine*, *Saeed Bin Tahnoon*, Shaik of the *Beni Yas*, Chief of *Aboothabee*, *Mahomed Bin Khuleefa Bin Subman*, Chief of *Bahrein*, or to any of their Subjects or Dependents, which shall upon reasonable Grounds be suspected of being engaged in the Traffic in Slaves or having been fitted out for that Purpose, and to send or carry away such Vessel, together with its Masters, Sailors, Passengers, Slaves, and Cargo, for the Purpose of such Vessel being brought to Adjudication as herein-after mentioned.

Officers commanding Ships of Her Majesty, as well as those of the East India Company, authorized to visit Vessels belonging to the before-mentioned Chiefs, or to any of their Subjects or Dependents.

II. And be it enacted, That it shall be lawful for the High Court of Admiralty of *England*, and for all Courts of Vice Admiralty in any Dominions of Her Majesty beyond the Seas, including those Courts of Vice Admiralty within the Territories under the Government of the *East India* Company, to take cognizance of and try any such Vessel which shall be detained or captured for the Violation of the said Agreements, and to condemn any such Vessel to Her Majesty; and

The Trial of Vessels engaged in the Slave Trade.

and adjudge as to the Slaves found therein, in like Manner and under such and the like Rules and Regulations as are contained in any Act or Acts of Parliament in force in relation to the Suppression of the Slave Trade by *British*-owned Ships, as fully as if all the Powers and Provisions contained in such Acts were re-enacted in this Act as to such High Court of Admiralty or Courts of Vice Admiralty.

Persons giving false Evidence deemed guilty of Perjury.

III. And be it enacted, That every Person who shall wilfully and corruptly give false Evidence in any Examination or Deposition had or Affidavit taken in any Proceeding under the said Engagements or this Act shall be deemed guilty of Perjury, and being thereof convicted shall be subject and liable to all the Punishments, Pains, and Penalties to which Persons convicted of wilful and corrupt Perjury are liable; and every such Person may be tried for any such Perjury, either in the Place where the Offence was committed or in any Colony or Settlement of Her Majesty near thereto in which there is a Court of competent Jurisdiction to try any such Offence, or in Her Majesty's Court of Queen's Bench in *England*, and that in case of any Prosecution for such Offence in Her Majesty's said Court of Queen's Bench the Venue may be laid in the County of *Middlesex*.

Pendency of Suits to be a Bar to any Proceedings instituted for the Recovery of the Vessels detained.

IV. And be it enacted, That the Pendency of any Suit or Proceeding instituted for the Condemnation or Restitution of any Ship or Cargo, or Slaves, taken, seized, or detained by virtue of the said Agreements, or the final Adjudication, Condemnation, or Judgment or Determination thereupon, may be pleaded in Bar or given in Evidence under the General Issue, and shall be deemed in any Court whatever to be a complete Bar in any Action, Suit, or Proceeding, whether instituted by any Person or Persons for the Recovery of any such Ship, Vessel, or Cargo, or of any Damage, or for any Injury sustained thereby or by the Persons on board the same, in consequence of any Capture, Seizure, or Detention, or anything done under or in pursuance of the Provisions of the said Agreements.

Vessels condemned to be sold for Her Majesty's Service or broken up.

V. And be it enacted, That any Ship or Vessel which shall be condemned as aforesaid may be taken into Her Majesty's Service, upon Payment of such Sum as the Lord High Admiral, or the Lords Commissioners of the Admiralty, shall deem a proper Price for the same, or, if not so taken, shall be broken up and demolished, and the Materials thereof shall be publicly sold in separate Parts, and the Proceeds thereof shall be paid to such Person or Persons as the Commissioners of Her Majesty's Treasury may appoint to receive the same.

Captors of Vessels shall, after the same are condemned,

VI. And be it enacted, That where any Ship or Vessel employed or engaged in such illicit Traffic in Slaves, in violation of the said Agreements, shall be seized by any Ship or Vessel belonging to Her

be entitled to the Proceeds belonging to Her Majesty.

Majesty or the *East India* Company, and afterwards condemned, there shall be paid to the Captors the net Proceeds to which Her Majesty is entitled, the same to be distributed in the Manner hereinafter directed for the Distribution of Bounties on Slaves taken on board the said Vessels.

Bounty for Slaves captured.

VII. And be it enacted, That there shall be paid to the Commander, Officers, and Crews of Her Majesty's Ships, or the Commander, Officers, and Crews of the Ships of the *East India* Company, a Bounty of Five Pounds for every Man, Woman, and Child Slave seized and found on board any Ship or Vessel taken and condemned in pursuance of the Provisions of the said Agreements and of this Act, such Bounty to be issued and paid by Order from the Commissioners of Her Majesty's Treasury, and to be distributed to and amongst the Captors aforesaid in such Manner and Proportions as Her Majesty shall think fit to order by any Order in Council made or to be made or by any Proclamation for that Purpose.

Bounty on Tonnage of Slave Ships captured and demolished.

VIII. And be it enacted, That where any Ship or Vessel which shall have been seized and condemned under the Provisions of the said Agreements shall have been or shall be demolished, and the Materials thereof publicly sold in separate Parts as well as her Cargo, there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships or of those of the *East India* Company, in addition to the Amount of the Proceeds of such Sale as herein-before mentioned, a further Bounty on the Tonnage of such Ship or Vessel at the Rate of Thirty Shillings for every Ton of such Tonnage.

Where no Slaves are on board a Ship seized and condemned, an additional Bounty to be paid.

IX. And be it enacted, That where any Ship or Vessel having no Slaves on board shall have been seized and condemned under the Provisions of the said Agreements there shall be paid to the Commanders, Officers, and Crews of Her Majesty's Ships or those of the *East India* Company an additional Bounty upon the Tonnage of such Ship or Vessel at the Rate of Four Pounds for every Ton; and the Tonnage of all such Vessels shall be ascertained according to the Mode of ascertaining the Admeasurement of *British* Vessels, either by the principal Officer of the Customs at the Port where the Vessel may be at the Time of Condemnation, or in default thereof by the best Evidence which can be obtained: Provided always, that in every Case in which any Ship or Vessel shall be seized with Slaves on board in which the Bounty calculated upon the Number of Slaves shall be less than the Bounty calculated upon the Tonnage, the Commanders of Her Majesty's Ships or of those of the *East India* Company, making the Seizure, may elect to take the Bounty calculated according to Tonnage, instead of the Bounty which would be payable upon the Number of Slaves on board.

X. And

X. And be it enacted, That all Bounties payable under this Act shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* to the Commanders, Officers, and Crews of Her Majesty's Ships and of the Ships of the *East India* Company, and such Bounties shall be issued and paid by Order from the Commissioners of Her Majesty's Treasury.

Bounties to be paid out of the Consolidated Fund.

XI. And be it enacted, That the said Bounty, as also all Bounties payable under any of the Acts for the Abolition or Suppression of the Slave Trade, shall not hereafter be charged with Treasury Fees or Exchequer Fees of any Description.

Bounties not liable to Payment of Fees.

XII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money the Tonnage of the Ship or Vessel so seized and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, or by such documentary or other Evidence as they may deem satisfactory.

Proof of Tonnage.

XIII. Provided always, and be it enacted, That in order to entitle the Captors to receive the said Bounty Money on Slaves the Number of Men, Women, and Children so taken, delivered over, and condemned shall be proved to the Commissioners of Her Majesty's Treasury by producing a Copy, duly certified, of the Sentence or Decree of Condemnation, and also a Certificate under the Hand of the proper Officer or Officers, Military or Civil, who may be appointed to receive such Slaves.

Copy of Sentence of Condemnation to be produced to the Commissioners of the Treasury.

XIV. And be it enacted, That where any Slaves, or Persons treated as Slaves, shall be seized on board any Ship or Vessel taken and condemned in pursuance of the said Agreements and of this Act, but who shall not have been delivered over in consequence of Death, Sickness, or other inevitable Circumstance, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, to direct Payment of One Moiety of the Bounty which would have been due in each Case respectively if the said Slaves had been delivered over.

One Moiety of the Bounty only to be paid in certain Cases.

XV. Provided also, and be it enacted, That any Party or Parties claiming any Benefit by way of Bounty under the Provisions of this Act, or of any Share of the Proceeds of any Vessel confiscated in pursuance of the Provisions of the aforesaid Agreements, may resort to the High Court of Admiralty for the Purpose of obtaining the Judgment of the said Court in that Behalf, and that it shall be lawful for the Judge of the said High Court of Admiralty to determine thereon,

Parties claiming Benefit under this Act may resort to the Court of Admiralty.

thereon, and also to hear and determine any Question of joint Capture which may arise upon any Seizure made in pursuance of this Act, and also to enforce any Decrees or Sentences of the said Vice Admiralty Courts relating to any such Seizure.

Regulations and Penalties respecting Prize Agents Accounts extended to Bounties, &c. under this Act.

XVI. And be it enacted, That all the Provisions, Rules, Regulations, Forfeitures, and Penalties respecting the Delivery by Prize Agents of Accounts for Examination, and the Distribution of Prize Money, and the accounting for and paying over the Proceeds of Prize and the Per-centage due thereon to *Greenwich Hospital*, shall be extended to all Bounties and Proceeds to be distributed, under the Provisions of this Act, to the Officers and Crews of any of Her Majesty's Ships and Vessels of War.

Commissioners of the Treasury may order Payment of Costs awarded for Vessels detained but not condemned.

XVII. And be it enacted, That where any Ship or Vessel belonging in whole or in part to the before-mentioned Chiefs, or their Subjects or Dependents, shall have been detained and brought to Adjudication by any Officers of Her Majesty the Queen of *Great Britain* and *Ireland* or of those of the *East India* Company, and the said Ship shall be restored by Sentence of the Court, it shall be lawful for the Commissioners of Her Majesty's Treasury, by Warrant signed by any Two or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of any Costs or Damages which may be duly awarded: Provided always, that nothing herein contained shall exempt such Officer from his Liability to make good the Payments so made, when lawfully called upon either by the Parties interested therein or by Order of the said Commissioners of Her Majesty's Treasury.

The Commissioners of the Treasury may repay to the Seizor of any Vessel not condemned the Expenses incurred by him.

XVIII. And be it enacted, That when any Seizure shall be made by any of the Commanders, Officers, and Crews of Her Majesty's Ships or of those of the *East India* Company, and Judgment shall be given against the Seizor, or when such Seizure shall be relinquished by him, it shall be lawful for the said Commissioners of Her Majesty's Treasury, if to their Discretion it shall seem meet, by Warrant signed by any Two or more of them, to direct Payment to be made out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* of such Costs and Expenses as the Seizor may have incurred in respect of such Seizure, or any proportional Part thereof.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

***

recited Act as to Qualification of Burgesses in Borough of Dublin repealed.

the Provisions in the said first-recited Act contained relating to the Qualification of Burgesses shall be and the same are hereby repealed, except as to any Burgess Roll theretofore formed or Election made under the Provisions of the said Act for or relating to the said Borough.

After the present Year no Burgesses to be enrolled for the Borough of Dublin who are not qualified under this Act.

II. And be it enacted, That from and after the Expiration of the present Year no Person shall be enrolled a Burgess of the said Borough of *Dublin* for the Purpose of enjoying the Rights conferred for the first Time by the said recited Acts or either of them, or this Act, in respect of any Title, other than by Occupancy and Payment of Rates within such Borough according to the Meaning and Provisions of this Act.

Qualification of Burgesses.

III. And be it enacted, That from and after the Expiration of the present Year, in the Borough of *Dublin*, every Male Person of full Age who on the last Day of *August* in any Year shall have occupied any House, Warehouse, Counting-house, or Shop within such Borough of *Dublin* during that Year and the whole of each of the Two preceding Years, and also during the Time of such Occupation shall have been an inhabitant Householder within the said Borough, or within Seven Statute Miles of the said Borough of *Dublin*, shall, if duly enrolled in that Year according to the Provisions of the said recited Acts, be a Burgess of such Borough, and Member of the Body Corporate of the Mayor, Aldermen, and Burgesses of such Borough: Provided always, that no such Person shall be so enrolled in any Year from and after the present Year unless he shall have been rated in respect of such Premises so occupied by him within the said Borough to all Rates made for the Relief of the Poor of the Electoral Division or Union wherein such Premises are situated during the Time of his Occupation as aforesaid, and unless he shall have paid on or before the last Day of *August* as aforesaid all such of the Rates, Cesses, and Taxes specified in the Schedule to this Act annexed as shall have become payable by him (if any) in respect of the said Premises, except such as shall become payable within Six Calendar Months next before the said last Day of *August*: Provided also, that the Premises in respect of the Occupation of which any Person shall have been so rated need not be the same Premises or in the same Parish, but may be different Premises in the same Parish or in different Parishes: Provided also, that any Person who shall be enrolled as a Burgess upon the Burgess Roll of the said Borough of *Dublin* at the Time of the passing of this Act shall, for the Purposes of this Act, without further Proof, be deemed to have been duly rated to the Relief of the Poor in respect of Premises within such Borough for the Space of Twelve Calendar Months next preceding the last Day of *August* in the Year One thousand eight

eight hundred and forty-eight, and to have duly paid all such Rates, and to have been otherwise duly qualified and entitled under the Provisions of the said first-recited Act to be enrolled as a Burgess at the Time of the last Revision of such Burgess Roll preceding the passing of this Act: Provided also, that no Person being an Alien shall be so enrolled or vote in any Year, and that no Person shall be so enrolled or vote in any Year who within Twelve Calendar Months next before the said last Day of *August* shall have received Relief under the Acts for the more effectual Relief of the destitute Poor in *Ireland*, or any Pension or charitable Allowance from any Fund intrusted to the Charitable Trustees of such Borough: Provided also, that in every Case provided in this Act the Distance of Seven Statute Miles shall be computed by the nearest public Road or Way by Land or Water.

Aliens, and Persons who have received Poor Law Relief, not to be enrolled.

IV. And be it enacted, That no Medical or Surgical Assistance given by the Charitable Trustees of the said Borough shall be taken to be such charitable Allowance as shall disqualify any Person from being enrolled a Burgess, nor shall any Person be so disqualified by reason that any Child of such Person shall have been admitted and taught within any public or endowed School.

Medical Assistance or Instruction in endowed Schools not to be a Cause of Disqualification.

V. And be it enacted, That in the said Borough it shall be lawful for any Person occupying any House, Warehouse, Counting-house, or Shop to claim to be rated to the Relief of the Poor in respect of such Premises, whether the Landlord shall or shall not be liable to be rated to the Relief of the Poor in respect thereof; and upon such Occupier so claiming, and actually paying or tendering to the Collector thereof, or to the Person or Persons entitled to receive the same, the full Amount of the last made Rate then payable in respect of such Premises, the Guardians or other Persons charged with making any Rate for the Relief of the destitute Poor which shall or ought to include such Premises are hereby required to put the Name of such Occupier upon the Rate for the Time being; and in case any such Guardians or other Persons shall neglect or refuse so to do, such Occupier shall nevertheless for the Purposes of the said recited Acts and this Act be deemed to have been rated to the Relief of the Poor in respect of such Premises from the Period at which the Rate shall have been made in respect of which he shall have so claimed to be rated as aforesaid: Provided always, that where by virtue of any Act of Parliament the Landlord shall be liable to the Payment of the Rate for the Relief of the Poor in respect of any Premises occupied by his Tenant, nothing herein contained shall be deemed to vary or discharge the Liability of such Landlord, but, in case the Tenant who shall have been rated for such Premises in consequence of any such Claim as aforesaid shall make default in the Payment

Occupiers may claim to be rated.

Payment of the Poor's Rate payable in respect thereof, such Landlord shall be and remain liable for the Payment thereof in the same Manner as if he alone had been rated in respect of the Premises so occupied by his Tenant.

Misnomers, &c. in Rate Book not to invalidate Right to be enrolled.

VI. And in order to provide against any Person being prevented from being enrolled as a Burgess by reason of any Misnomer or inaccurate or insufficient Description in a Rate of the Person occupying any such Premises as herein-before mentioned, or by reason of any inaccurate Description of the Premises so occupied, be it therefore declared and enacted, That where any Person shall have occupied such Premises as in this Act are mentioned for the Time herein-before mentioned next previous to the last Day of *August* in any Year, being the Person liable to be rated for such Premises, shall have been *bonâ fide* called upon in respect to such Premises to pay, and shall have *bonâ fide* paid on or before the last Day of *August* in such Year, all Rates for the Relief of the Poor made in respect of such Premises which he would be required to pay in order to be enrolled as a Burgess for the Borough of *Dublin* if he had been named in such Rate as the Occupier of such Premises, such Person shall be considered as having been rated to the Relief of the Poor and paid all such Rates in respect of such Premises within the Meaning of the said recited Act and this Act, and be entitled, if otherwise qualified, to be enrolled as a Burgess of the said Borough in respect of such Premises in any Year, any Misnomer or insufficient Description in any Rate of the Person so occupying, or of the Premises occupied, notwithstanding.

In case of Title by Descent, &c., how Occupation is to be reckoned.

VII. And be it enacted, That where any House, Warehouse, Counting-house, or Shop in the said Borough shall come to any Person by Descent, Marriage, Marriage Settlement, Devise, or Promotion to any Benefice or Office, such Person shall be entitled to reckon the Occupancy and Rating in respect of the Occupancy thereof by the Person from or by whom such House, Warehouse, Counting-house, or Shop shall have so come to him as his own Occupancy and Rating conjointly with the Time during which he shall have since occupied and been rated for the same, and shall be entitled to be enrolled a Burgess in respect of such successive Occupancy and Rating, provided he shall be otherwise qualified as herein provided.

From 1st Jan. 1850 present Division of Dublin into Wards to cease.

VIII. And whereas the present Division of the Borough of *Dublin* into Wards has been found to be unequal and unsatisfactory: Be it enacted, That from and after the First Day of *January* One thousand eight hundred and fifty the present Division of the said Borough of *Dublin* into Wards shall cease and determine.

Dublin to be re divided into Wards.

IX. And be it enacted, That within Three Weeks from and after the passing of this Act the Lord Lieutenant or other Chief Governor or

or Governors of *Ireland* shall appoint Two Persons, One being a Barrister at Law of not less than Six Years standing at the Bar, for the Purpose of dividing anew the said Borough of *Dublin* into Wards; and it shall be lawful for such Persons so appointed and they are hereby required, on or before the First Day of *January* in the Year One thousand eight hundred and fifty, to divide anew the said Borough of *Dublin* into Fifteen Wards, and to determine and set out anew the Extent, Limits, and Boundary Lines of the said Wards of the said Borough, and what Portions of the said Borough shall be included therein respectively; and in making such Division, and determining the Extent and Limits and Boundary Lines of each such Ward, the said Persons so appointed shall have regard as well to the Number of Persons rated to the Relief of the Poor in such Ward as to the aggregate Amount of the Sums at which all the said Persons shall be so rated; and a Copy of the Particulars of such new Division of Wards shall be forthwith transmitted to the said Lord Lieutenant or other Chief Governor or Governors of *Ireland;* and if the said Lord Lieutenant or other Chief Governor or Governors, by and with the Advice of the Privy Council of *Ireland*, shall approve such Determination and Division, the same shall be published in the *Dublin Gazette;* and another Copy of such Particulars shall be delivered to the Town Clerk of the Borough of *Dublin*, to be by him safely kept among the public Documents of the said Borough; and the said Borough shall after such Publication as aforesaid be deemed to be divided into such Fifteen Wards as shall be so determined and set out as aforesaid; and such Division shall continue and be in force until the same shall be altered by the Authority of Parliament: Provided always, that if the said Lord Lieutenant or other Chief Governor or Governors, by the Advice of the said Privy Council, shall not approve such Determination and Division, such Publication as aforesaid shall nevertheless be made, and such Division shall be in force for the Purpose of any Election under the Provisions of the said recited Acts and this Act, and until such Time as the said Lord Lieutenant or other Chief Governor or Governors shall, by the Advice of the said Privy Council, upon further Information and Report from the said Persons so appointed, definitively approve the Division of the said Borough into Wards in manner herein-before mentioned; and such Wards shall be deemed and construed to be Wards within the Meaning of the said first-recited Act; and for each Ward of the said Borough there shall be One Alderman and Three Councillors.

**Town Clerk to prepare a Book containing the Names of Persons entitled to be**

X. And be it enacted, That on or before the Eighth Day of *September* in the Year One thousand eight hundred and fifty, and every succeeding Year, the Town Clerk of the said Borough of *Dublin* shall, in a Book or Books to be by him provided for that

Burgesses in the said Borough.

Purpose, enter the Names of all Persons who shall appear to be entitled to be enrolled as Burgesses of such Borough in the Burgess Roll then next to be made, in right of Occupancy and Payment of Rates within such Borough, according to the Meaning and Provisions of this Act, with the Premises in respect whereof they may be so entitled, in the Manner and subject to the Provisions in the said secondly-recited Act contained relating to the Book or Books thereby directed to be prepared by the Town Clerk; and the several Provisions of the said secondly-recited Act as to the Proceedings to be taken as to such Book or Books, and the Attendance of Collectors of Rates, Cesses, or Taxes, or of other Officers relating thereto, and as to any Penalties for Nonattendance, and as to the Notices to be given concerning such Book or Books, and as to Inspection thereof or Copies or Extracts therefrom, or other Matters relating thereto, shall extend and apply for the Purposes of this Act, save and except so far as the said Provisions may relate to any Rates, Cesses, or Taxes not included in the Schedule to this Act annexed, or the Collectors thereof, which last-mentioned Collectors shall not be required to attend for the Purposes of preparing such Book or Books.

Town Clerks to make out Lists in every Year of Persons qualified as Burgesses in the said Borough.

XI. And be it enacted, That on or before the Twentieth Day of *September* in the Year One thousand eight hundred and fifty, and every succeeding Year, in the said Borough of *Dublin*, the Town Clerk of such Borough shall make out, from the Assessment to be made of Hereditaments within such Borough under the Acts for the more effectual Relief of the destitute Poor in *Ireland*, alphabetical Lists, according to the Form Number 1. in the Schedule (D.) to the said first-recited Act annexed, or to the like Effect, of all Persons, with their respective Residences, who shall be entitled to be enrolled in the Burgess Roll of that Year for the said Borough, according to the Provisions of this Act, in respect of Property within each Ward of such Borough, excluding nevertheless from such Lists the Name of every Person who shall not appear by the Entries made in the Book or Books herein-before mentioned to have paid all Rates, Cesses, or Taxes by this Act required to be paid in order to qualify such Person to be or to be enrolled as a Burgess of such Borough, and shall sign such Lists, and shall on the said Twentieth Day of *September* in the Year One thousand eight hundred and fifty, and every succeeding Year, deliver a true Copy of such Lists, signed by himself, to the Lord Mayor of such Borough, and shall himself keep such original Lists, to be perused by any Person, without Payment of any Fee, at all reasonable Hours between the Twentieth and the Thirtieth Days of *September* in every such Year.

Provisions of recited Acts to apply to

XII. And be it enacted, That the Provisions of the said recited Acts or either of them relating to the Lists of Persons qualified as Burgesses,

Burgesses, and to Claims and Objections relating to the same, and the Revision of such Lists, and the Enrolment of Burgesses, and the Formation of the Burgess Roll, and the several Proceedings, Matters, and Things relating to the same respectively, so far as the same are applicable, and subject to the Variations made by this Act, shall be extended and applied to the Lists of Persons qualified as Burgesses of the said Borough of *Dublin* under this Act, and the Qualification hereby provided, and the Revision of such Lists, and the Enrolment of Burgesses, and the Formation of the Burgess Roll, and the several Proceedings, Matters, and Things relating to the same respectively under the said Acts and this Act; and the Provisions of the said first-recited Act relating to the providing for or defraying the Expenses of putting the said first-recited Act into execution shall, in like Manner, be applied to the providing for or defraying the Expenses of putting this Act into execution in the said Borough of *Dublin*.

the Formation of the Burgess Roll;

also Provisions of first-recited Act for defraying Expenses of this Act.

XIII. Provided always, and be it enacted, That the Court for the first Revision of such Lists under this Act of Persons entitled to be Burgesses shall be a like Court, and appointed in the like Manner, with the like Powers, and subject to the like Regulations, as the Court by the said first-recited Act provided for the Revision of the like Lists under the said Act in the first Year in which the said first-recited Act came into operation in the said Borough of *Dublin*.

Court for first Revision of Lists.

XIV. And for the Purpose of having an entire new Election of Aldermen and Councillors of the Borough of *Dublin*, be it enacted, That on the Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty all the Councillors of and in every Ward of the Borough of *Dublin* then in Office shall go out of Office, and all and every the Aldermen for each and every Ward of the said Borough then in Office shall continue in Office during the said Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty, for the Purpose of holding and presiding at the Elections of Aldermen and Councillors in the several Wards of the said Borough to be held on the said Day, as herein-after mentioned, and thenceforth until the Names of the Persons so elected shall be published as in the said first-recited Act directed, not being later than Two of the Clock of the Afternoon of the Day next but One following the Day of such Election; subject nevertheless to the Power and Provision for the Re-election of any Alderman or Councillor in the said first-recited Act contained.

All the Aldermen and Councillors of the Borough of Dublin to go out of Office in November 1850.

XV. And be it enacted, That on the said Twenty-fifth Day of *November* in the Year One thousand eight hundred and fifty the Burgesses in every Ward of the Borough of *Dublin* shall elect from among the Persons qualified to be Councillors of such Borough Four Persons,

Election of Aldermen and Councillors of Dublin in this Year.

Persons, being the entire Number of Aldermen and Councillors to be elected in each such Ward; and such One of the Persons so elected in each such Ward who shall have the greatest Number of Votes shall be the Alderman of the said Ward, and the remaining Three Persons so elected shall be the Councillors of such Ward; and in case an equal Number of Votes shall be given for any Two or more Persons, any of whom but for such Equality would be an Alderman, or where there shall be no Contest, the Majority of the whole Council shall determine which of such Persons having an equal Number of Votes shall be the Alderman.

One Third Part of the Councillors in Dublin to go out of Office annually.

XVI. And be it enacted, That upon the Twenty-fifth Day of *November* in every Year after the Year One thousand eight hundred and fifty One Third Part of the Number appointed as aforesaid to be the whole Number of the Councillors of every Ward of the said Borough of *Dublin* shall go out of Office, and the Burgesses then enrolled in the Burgess Roll for such Ward shall elect the Number of Councillors needed to supply the Vacancies thereupon existing in the Number of Councillors; and those who shall so first go out of Office shall be the Councillors who were elected under the Provisions of this Act by the smallest Number of Votes at the First Election; and in the next Year those who shall go out of Office shall be the Councillors who were elected under the Provisions of this Act by the next smallest Number of Votes at the First Election, the Majority of the whole Council always determining when the Votes for any such Persons shall have been equal, or when there shall have been no Contest, who shall be the Persons so to go out of Office; and thereafter those who shall so go out of Office shall always be the Councillors who have been for the longest Time in Office without Re-election: Provided always, that any Councillor so going out of Office shall be capable of being forthwith re-elected, if then qualified as in the said first-recited Act provided.

Aldermen of Dublin, how to go out of Office every Third Year.

XVII. And be it enacted, That in the said Borough of *Dublin* on the Twenty-fifth Day of *November* in each Third subsequent Year after the Year One thousand eight hundred and fifty such and such Number of Aldermen of the said Borough shall go out of Office, and such Number of Aldermen shall be elected to supply the Vacancies thereby created, in such Manner and subject to like Provisions relating to the same, and to the Re-election of any Alderman, as in the said first-recited Act contained as to the Aldermen of the said Borough of *Dublin*.

The Lord Mayor in Office in Nov. 1850 to remain in Office until 1st Jan. 1851.

XVIII. And be it enacted, That the Lord Mayor of *Dublin* who may be in Office in *November* One thousand eight hundred and fifty shall continue in such Office until the First Day of *January* One thousand eight hundred and fifty-one.

XIX. And

XIX. And be it enacted, That the several Officers appointed by the Town Council of the Borough of *Dublin* at any Time before the passing of this Act shall continue to hold their respective Offices under the Town Council to be elected under the Provisions of this Act, in the like Manner, with the like Tenure of Office, and subject to the like Conditions, as if this Act had not been passed.

Present Officers to continue under new Council as if re-appointed by them.

XX. And be it enacted, That the said recited Acts of the Third and Fourth Years and of the Sixth and Seventh Years of the Reign of Her present Majesty, and all Clauses, Matters, and Things respectively contained therein and now in force, (save and except such Parts thereof as are by this Act varied, altered, or repealed,) shall, so far as regards the said Borough of *Dublin*, be and continue in full Force and Effect, and shall be applied to this Act and the Matters therein contained, so far as the same may be applicable, and that the said recited Acts and this Act shall be construed together as One Act, and that the Provision made by the said first-recited Act for the Interpretation of certain Words and Expressions therein shall apply and extend to the like Words and Expressions in this Act.

Recited Acts and this Act shall be construed together.

XXI. And be it enacted, That no Person, by reason of being liable to the Rate contributing to the Borough Fund of the said Borough of *Dublin*, shall be deemed exempt or disqualified from acting as a Juror or Grand Juror, or as a Sheriff for the returning or impannelling of a Jury or Grand Jury in or for the Trial of any Person for any Offence against any Law or Statute, by reason of any Penalty or Forfeiture for or in consequence of such Offence being applicable to the Use of the Borough Fund of the said Borough of *Dublin*, or in or for the Trial of any Case relating to any Matter or Thing that may be applicable to the Use of such Borough Fund, or relating to any Matter or Thing whereby or by reason whereof any Property may be or become applicable to the Use of such Borough Fund; and no Justice of the Peace shall be disabled to act in the Execution of the said recited Acts or this Act, or in the Execution of any other Act, by reason of his being liable to the Rate contributing to the Borough Fund of the said Borough; and no Member of the Town Council for the Time being of the said Borough of *Dublin*, by reason of his being a Member of the Town Council, nor any Justice assigned to keep the Peace therein, by reason of his being such Justice, shall be exempt or disqualified from serving on any Jury summoned within the said Borough.

Liability to Borough Rate not to be a Ground of Objection to any Juror, Grand Juror, or Sheriff, or Justice acting as herein.

XXII. And whereas by an Act of the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to annex certain Parts of certain Counties of Cities to adjoining Counties;*

3 & 4 Vict. c. 109.

*Counties; to make further Provision for Compensation of Officers in Boroughs; to limit the Borough Rate; and to continue for a limited Time an Act to restrain the Alienation of Corporate Property in* Ireland, it is, amongst other things, enacted, that for the Purposes of the therein-before and herein-before recited Act of the Third and Fourth Years of the Reign of Her present Majesty, and of the said Act now in recital, all Places locally situate or included within the Boundaries of any of the said Boroughs therein mentioned, or any Ward thereof, as defined under the said last-mentioned Act, shall, from and after the Time when the said Act now in recital should come into operation as therein-after mentioned, be deemed and taken to be Part or Parts of the County of the City or County of the Town of such Borough respectively, or of such Ward thereof respectively, and of no other County: And whereas Doubts have arisen whether, upon the true Construction of the said Acts, all such Places so locally situate or included within the Boundaries of the said Borough of *Dublin* as defined under the said Act for the Regulation of Municipal Corporations in *Ireland*, are to be deemed and taken to be Part or Parts of the County of the City of such Borough for all Purposes of Civil and Criminal Jurisdiction and other Purposes: Be it therefore declared and enacted, That upon the true Construction of the said Acts in this Provision mentioned all such Places locally situate or included within the Boundaries of the said Borough as defined under the said recited Act for the Regulation of Municipal Corporations in *Ireland*, now are and shall be deemed and taken to be Part or Parts of the County of the City of such Borough, and of no other, for all Purposes of Criminal Jurisdiction and also of Civil Jurisdiction of the Superior Courts of Common Law in *Dublin*, and for all other Purposes whatsoever: Provided always, that nothing herein contained shall alter or affect the County of *Dublin*, or the County of the City of *Dublin*, or the Boundaries thereof, for any Purposes of Parliamentary Representation, or for any Purpose relating thereto; and that where it shall be necessary for any Purpose of such Representation to describe any Residence or Premises or Place, in any Oath, Affidavit, or Document, or otherwise, as within the County of *Dublin* or the County of the City of *Dublin*, such Residence, Premises, or Place may be described as within the Parliamentary Boundaries of the County of *Dublin* or the County of the City of *Dublin* respectively.

3 & 4 Vict. c. 108.

Places within the Boundaries of Borough of Dublin to be Part of the County of the City;

but Parliamentary Boundaries not to be affected.

Act may be amended, &c.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

SCHE-

SCHEDULE to which the foregoing Act refers.

*Rates, Cesses, or Taxes.*

1. For Paving and Lighting.
2. For watering the Streets.
3. Wide Street Tax, or any Rate for widening or improving the Streets, or any Improvement Rate that may by any Act or Acts be substituted for the Three Taxes or Rates herein-before mentioned or any of them.
4. Grand Jury Cess, or any Cess, Applotment, or Rate raised or levied for fiscal Purposes of a like Nature within the Borough of Dublin.
5. Police Tax or Rate.
6. Borough Rate.
7. Poor Rates.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. LXXXVI.

### An Act to provide additional Funds for Loans by the Public Works Loan Commissioners for building Workhouses in *Ireland*.

[1st *August* 1849.]

WHEREAS by an Act of the Second Year of Her Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, Power is given to borrow, on behalf of any Union in *Ireland*, and for the Exchequer Bill Loan Commissioners therein mentioned to advance, any Sum necessary for building a Workhouse or Workhouses, or for such other Purposes as therein mentioned; the Money so to be borrowed to be secured by a Charge on the Rates of such Union, under the Seal of the Guardians or other Persons appointed or authorized to act as Guardians, or under the Seal of the Poor Law Commissioners, as the Case should require, and to carry Interest and be repaid by Instalments as in such Act mentioned: And whereas by an Act of the Fifth Year of Her Majesty, "to "authorize the Advance of Money out of the Consolidated Fund, to "a limited Amount, for carrying on Public Works and Fisheries and "Employment of the Poor, and to amend the Acts authorizing the "Issue of Exchequer Bills for the like Purposes," the Commissioners theretofore referred to as the Exchequer Bill Loan Commissioners, since

1 & 2 Vict. c. 56.

5 Vict. Sess. 2. c. 9.



and

and in this Act referred to as the Public Works Loan Commissioners, were authorized to make Loans of any Parts of the Monies, to be issued and paid out of the Consolidated Fund, as therein mentioned, to the Persons by whom and for the Purposes for which Money was authorized by the said Act of the Second Year of Her Majesty to be borrowed as aforesaid, repayable by such Instalments, at such Interest, upon such Security, on such Terms, and subject to such Conditions and Provisions, as are mentioned and contained in the last-mentioned Act, subject to such Variations as in the Act now in recital mentioned: And whereas Money authorized to be advanced out of the Consolidated Fund under an Act of the Tenth Year of Her Majesty, "to "authorize the Advance of Money out of the Consolidated Fund for "carrying on Public Works and Fisheries and Employment of the "Poor," was thereby made applicable for the like Loans: And whereas by an Act passed in the last Session of Parliament, intituled *An Act to provide additional Funds for Loans for Drainage and other Works of public Utility in* Ireland, the Commissioners of Her Majesty's Treasury were empowered to cause to be issued, during the Term of Three Years from the Fifth Day of *April* One thousand eight hundred and forty-eight, out of the growing Produce of the Consolidated Fund, any Sum not exceeding in the whole Nine hundred and forty-five thousand Pounds, to be placed to the Credit of the Commissioners for the Reduction of the National Debt to the Account of "The "Commissioners for the Reduction of the National Debt on account "of the Public Works Loan Fund for *Ireland*," subject to the Proviso in such Act contained, to be held, subject to the Disposal of the Commissioners of Public Works in *Ireland*, for the Purposes of such Loans as therein mentioned: And whereas it is expedient to provide additional Funds for Loans for the Purposes for which Loans may be made under the said Act of the Second Year of Her Majesty: Be it enacted, therefore, by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Two or more of them, from Time to Time during the said Term of Three Years, to cause to be issued out of the growing Produce of the said Consolidated Fund, and placed to the Credit of the Commissioners for the Reduction of the National Debt, to the Account opened and continued at the Bank of *England* under the said Acts of the Sixth and Tenth Years of Her Majesty under the Title of "The Commissioners for the "Reduction of the National Debt on account of the Public Works "Loan Fund," for the Purpose of being applied by the said Public Works Loan Commissioners for Loans under this Act, such Part as the said Commissioners of Her Majesty's Treasury may think fit of the

9 & 10 Vict. c. 80.

11 & 12 Vict. c. 51.

Monies authorized to be issued under 11 & 12 Vict. c. 51. to Commissioners of Public Works in Ireland may be issued to Public Works Loan Commissioners for Loans under this Act.

the Money which under the said Act of the last Session of Parliament might be issued out of the said Consolidated Fund and placed to the Account in such Act mentioned: Provided always, that the Sums issued under this Enactment and under the said Act of the last Session of Parliament shall not together exceed the Amount which for the Time being might be issued under such Act.

II. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Two or more of them, to direct the Issue, out of the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, of any Sum or Sums of Money not exceeding in the whole Fifty thousand Pounds, such Sum or Sums to be placed to the Credit of the Commissioners for the Reduction of the National Debt, to the said Account intituled "The Commissioners for the Reduction of the "National Debt, on account of the Public Works Loan Fund," and to be applied by the said Public Works Loan Commissioners for Loans under this Act: Provided always, that the Sums to be issued as last aforesaid shall not exceed the Amount of the Sums which after the passing of this Act may be from Time to Time received in Repayment of like Loans heretofore made by the said Public Works Loan Commissioners.

Further Sum, not exceeding £50,000, may be advanced for Loans by Public Works Loan Commissioners for Loans under this Act.

Sum advanced not to exceed Sum received in Repayment of past Loans.

III. And be it enacted, That it shall be lawful for the said Public Works Loan Commissioners, out of the Monies authorized to be applied by them for Loans under this Act, to make Loans for building Workhouses in *Ireland*, and for the other Purposes for which Loans may be made under the said Act of the Second Year of Her Majesty, and the Loans to be made under this Act shall be made in the like Manner, and subject to the like Conditions and Provisions, as Loans for the same Purposes may be made out of the Monies now authorized to be applied by the same Commissioners for such Loans.

Commissioners may make Loans for building Workhouses, &c. in like Manner as previous Loans.

IV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

Act may be amended, &c.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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*another Turnpike Road to communicate therewith from the High Road from* London *to* Fulham *in the said County*, and an Act passed in the Ninth Year of King *George* the Fourth, intituled *An Act for making and maintaining a Turnpike Road from* North End *to* Hammersmith Bridge, *both in the County of* Middlesex, and an Act of the Eighth Year of King *George* the Fourth, intituled *An Act for more effectually repairing and maintaining the Road from* Whitby *to* Middleton *in the County of* York, and an Act of the Ninth Year of King *George* the Fourth, intituled *An Act for more effectually repairing and maintaining several Roads leading from* Lymington *in the County of* Southampton, *and the Road to* Wilverley Post *in the* New Forest, and except as herein-after mentioned.

9 G. 4 c. ciii.

7 & 8 G. 4. c. lii.

9 G. 4. c. cvii.

Acts in Schedule to this Act continued till 1st Nov. 1850.

II. And be it enacted, That the Acts mentioned in the Schedule to this Act annexed shall continue in force until the First Day of *November* in the Year One thousand eight hundred and fifty, and no longer, unless Parliament shall in the meantime continue the same respectively.

Sinking Fund for Discharge of Money hereafter borrowed.

III. And be it enacted, That in every Case in which the Trustees or Commissioners of any Turnpike Road shall hereafter borrow, charge, or secure any Sum or Sums of Money on the Credit of the Tolls arising on such Road, such Trustees or Commissioners shall, out of the Tolls of such Road, and in priority to all other Payments thereout, except the Interest on any such Monies as aforesaid, and on any other Monies remaining owing on the Security of the said Tolls, set apart a Sum of Five Pounds *per Centum per Annum* on the Amount of Money so borrowed, charged, or secured; and when and so often as the Sums so set apart as aforesaid shall amount to the Sum of Two hundred Pounds, the Trustees or Commissioners of the Road out of the Tolls of which such Sum has arisen shall, at any General Annual or other Meeting of such Trustees or Commissioners, apply such Sum in the Payment of a proportionate Part of the Monies borrowed, charged, or secured as aforesaid, and then remaining unpaid, to the Creditors on the Tolls of such Road, and shall, Twenty-eight Days at least before such General Annual or other Meeting, cause Notice to be given of such Meeting, and of the Purposes thereof, so far as the same relate to the Application of the said Sum, in some Newspaper usually circulated in the County or Counties in which such Road is situate; and at such Meeting such Trustees or Commissioners shall apply such Sum, or a Portion thereof, (as the Case may require,) in or towards the Discharge of Monies owing on the Security of the Tolls of such Road, to the Creditor who shall, by Proposal in Writing transmitted to the Clerk of such Trustees or Commissioners before such Meeting, have offered to accept the lowest Composition in respect of such Monies,

When Fund amounts to 200*l.* it may be applied to reduce Debt.

Monies, and shall apply the Surplus (if any) of such Sum, after Payment to such Creditor as aforesaid, or a Portion of such Sum, (as the Case may require,) in or towards the Discharge of Monies owing on the Security of the said Tolls, to the Creditor who by Proposal as aforesaid shall have offered to accept the next lowest Composition in respect of such Monies, and so in like Manner until the Sum shall be exhausted; and if Two or more Creditors by Proposals as aforesaid shall have offered to accept an equal Rate of Composition, it shall be lawful for such Trustees or Commissioners to determine by Lot the Preference between or amongst such Creditors, or to pay such Composition rateably between or amongst such Creditors, as such Trustees or Commissioners think fit; and if there be no such Proposal as aforesaid, or there be any Surplus of the Sum after applying the same, so far as may be necessary, in or towards the Discharge of the Monies to which such Proposals as aforesaid relate, such Trustees or Commissioners may apply the said Sum rateably amongst the Creditors, or may pay the same to such of them as may be determined by Lot, as such Trustees or Commissioners think fit.

Mortgagee in possession may let Tolls.

IV. And be it enacted, That it shall be lawful for a Mortgagee in possession of any Toll Gate or Bar set up or erected on any Turnpike Road to let to farm the Tolls of such Gate or Bar, in like Manner as the Trustees or Commissioners of any Turnpike Road may let to farm the Tolls of the Gates on such Road, and for that Purpose to exercise all the like Powers as such Trustees or Commissioners might exercise for a like Purpose; and all Contracts and Agreements to be made or entered into for the farming or letting the Tolls of such Road, signed by such Mortgagee, shall be as good, valid, and effectual as a Contract or Agreement for farming or letting the Tolls of any Turnpike Road signed by the Trustees or Commissioners of such Road or Two or more of them.

3 & 4 W. 4. c. 80.

Clerk to Trustees, &c. to transmit Statement to Secretary of State, where General Annual Meeting not held.

V. And whereas an Act was passed in the Fourth Year of King *William* the Fourth, intituled *An Act requiring the annual Statements of Trustees or Commissioners of Turnpike Roads to be transmitted to the Secretary of State, and afterwards laid before Parliament;* but by reason of the Failure of Trustees to hold their Annual Meetings such annual Statements are in many Cases not made and transmitted as by the said Act directed: Be it enacted, That where in any Year the Trustees or Commissioners of any Turnpike Road shall not hold their General Annual Meeting on or before the Twenty-fifth Day of *March*, according to the Directions of the said Act, the Clerk to such Trustees or Commissioners shall make out such Statement of the Debts, Revenues, and Expenditure of the Trust as should have been submitted to the Trustees or Commis-

sioners

sioners at such General Annual Meeting in case the same had been holden, and transmit a Copy thereof to One of Her Majesty's Principal Secretaries of State, on or before the Twenty-fourth Day of *April* in such Year; and, save as herein-after provided, every such Clerk who shall neglect to make out such annual Statement, or to transmit a Copy thereof, within the Time herein-before prescribed for that Purpose, shall for every such Offence forfeit any Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of any Justice or Justices of the Peace before whom Complaint of such Offence shall be made: Provided always, that it shall not be requisite for such Clerk to make out such Statement or transmit such Copy as aforesaid for or in respect of any Period during which the Tolls of such Road are received by any Mortgagee, Agent, or Person other than such Trustees or Commissioners or their Lessees or Farmers.

Mortgagees in possession to transmit Accounts.

VI. And be it enacted, That every Mortgagee, Agent, or other Person in possession of any Toll Gate or Bar set up or erected on any Turnpike Road shall, on or before the Twenty-fifth Day of *March* in every Year, make, and transmit to One of Her Majesty's Principal Secretaries of State, an annual Statement of the Revenue of such Road received by such Mortgagee, Agent, or other Person during the Year ending the Thirty-first Day of *December* then preceding, and of the Expenditure or Application thereof, in the Form contained in the Schedule (A.) to the said Act of the Fourth Year of King *William* the Fourth annexed, or as near thereto as Circumstances will admit; and every Mortgagee, Agent, or other Person in possession as aforesaid who shall neglect to make out and transmit such annual Statement within the Time herein-before prescribed for that Purpose shall for every such Offence forfeit any Sum not exceeding Ten Pounds nor less than Five Pounds, at the Discretion of any Justice or Justices of the Peace before whom Complaint of such Offence shall be made.

Penalties how to be recovered.

VII. And be it enacted, That the Penalties hereby imposed shall be recovered and applied in the same Manner as Penalties imposed by an Act of the Third Year of King *George* the Fourth, intituled *An Act to amend the general Laws now in being for regulating Turnpike Roads in that Part of* Great Britain *called* England.

3 G. 4. c. 126.

As to Extension of Act.

VIII. And be it enacted, That this Act shall not apply to *Ireland*, nor, except in respect of the Continuance of the Acts hereby continued, to *Scotland*,

SCHE-

SCHEDULE to which this Act refers.

## SCHEDULE.

An Act passed in the Fiftieth Year of the Reign of King George the Third, intituled "An Act for enlarging the Terms and Powers of "an Act of His present Majesty, for repairing the Road from Buck-"ingham, through Brackley, to join the Daventry Turnpike Road "near Banbury." 50 G. 3. c. cxxviii.

An Act passed in the Fifty-third Year of the Reign of King George the Third, intituled "An Act for repairing the Road from the City "of Coventry to the Rugby Turnpike Road in the Parish of Wolvey "in the County of Warwick." 53 G. 3. c. vi.

An Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled "An Act for more effectually repairing the Road "leading from Heron Syke to Kirkby in Kendal, and from thence, "through Shap, to Eamont Bridge in the County of Westmorland; "and for making a new Road from the said Road at a Place called "Far Cross Bank, near Kirkby in Kendal, to communicate with the "intended Canal from Lancaster to Kirkby in Kendal, and to join "said Road at or near a Place called The Lound, near Kirkby in "Kendal aforesaid." 55 G. 3. c. xxxvii.

An Act passed in the Fifty-sixth Year of the Reign of King George the Third, intituled "An Act for making and maintaining a Road "from near Gatton Lodge in the County of Surrey to Povey Cross "in the said County." 56 G. 3. c. xxx.

An Act passed in the Fifty-eighth Year of the Reign of King George the Third, intituled "An Act for making and maintaining a "Turnpike Road from the Turnpike Road leading from Ulverstone "to Kendal into the Turnpike Road leading from Millthorp to Ken-"dal, and a Continuation of the said Road from the last-mentioned "Turnpike Road to join the Turnpike Road leading from Lancaster "to Kendal." 58 G. 3. c. lxx.

An Act passed in the Fifty-ninth Year of the Reign of King George the Third, intituled "An Act for further continuing the Term and "enlarging 59 G. 3. c. xcviii.

" enlarging the Powers of Two Acts passed in the Seventeenth and " Thirty-sixth Years of His present Majesty's Reign, for repairing " and widening several Roads leading to, through, and from the Towns " of Bala and Dolgelly in the County of Merioneth, and other Roads " therein mentioned, in the Counties of Montgomery, Denbigh, and " Salop; and for repairing several other Roads in the Counties of " Merioneth and Denbigh."

1 G. 4. c. lxxiii. An Act passed in the First Year of the Reign of King George the Fourth, intituled "An Act for repairing the Road from Towcester, " through Brackley in the County of Northampton, to Western Gate " in the Parish of Weston on the Green in the County of Oxford."

4 G. 4. c. ii. An Act passed in the Fourth Year of the Reign of King George the Fourth, intituled " An Act for building a Bridge over the River " Severn at or near to the Mythe Hill within the Parish and near to " the Town of Tewkesbury in the County of Gloucester to the oppo- " site Side of the said River in the Parish of Bushley in the County of " Worcester, and for making convenient Roads and Avenues to com- " municate with such Bridge within the Counties of Gloucester and " Worcester."

4 G. 4. c. xxiv. An Act passed in the Fourth Year of the Reign of King George the Fourth, intituled " An Act for more effectually repairing and im- " proving the Road from the Town of Garstang to the Town of " Lancaster, and from thence to a Place called Heiring Syke, and " the Road from the Guide Post in the Township of Slyne with Hest " to Hest Bank, all in the County Palatine of Lancaster."

4 G. 4. c. xlii. An Act passed in the Fourth Year of the Reign of King George the Fourth, intituled " An Act for making and maintaining a Turnpike " Road from the Turnpike Road between the Town of Mold in the " County of Flint and the Town of Wrexham in the County of Den- " bigh to the Turnpike Road between the Town of Ruthin in the " said County of Denbigh and the Town of Wrexham aforesaid, and " also Two several Branches of Road therefrom."

6 G. 4. c. lxxxix. An Act passed in the Sixth Year of the Reign of King George the Fourth, intituled " An Act for amending and maintaining the " Road from the Market Place in Cromford to the Guide Post on " Hopton Moor, and Two Branch Roads to Newhaven House and " Wirksworth, all in the County of Derby."

6 G. 4. c. cxlii. An Act passed in the Sixth Year of the Reign of King George the Fourth, intituled " An Act for making and maintaining a Turn- " pike Road from the Town of Birmingham to or near the Town of " Pershore."

An

*Turnpike Acts Continuance.*

An Act passed in the Sixth Year of the Reign of King George the Fourth, intituled "An Act for repairing, widening, improving, "and maintaining in repair the Turnpike Roads from Leeds to "Halifax, and the several Branches and Roads therein mentioned, "in the West Riding of the County of York." 6 G. 4. c. cxlix.

An Act passed in the Seventh Year of the Reign of King George the Fourth, intituled "An Act for altering, amending, and enlarging "the Powers and Provisions of an Act relating to the Tewkesbury "Severn Bridge and Roads." 7 G. 4. c. lxi.

An Act passed in the Seventh Year of the Reign of King George the Fourth, intituled "An Act for making and maintaining a Turn-"pike Road from a Place called Coxbridge, near Farnham in the "County of Surrey, to Ramshill near Petersfield in the County of "Southampton." 7 G. 4. c. lxxx.

An Act passed in the Eighth Year of King George the Fourth, intituled "An Act for more effectually repairing and maintaining the "Road from Foxley Hatch in the Parish of Croydon into the Town "of Reigate in the County of Surrey." 7 & 8 G. 4. c. xiii.

An Act passed in the Eighth Year of the Reign of King George the Fourth, intituled "An Act for more effectually repairing the "Road from Rochdale, through Bamford and Birtle, to Bury, and "several other Roads therein mentioned, all in the County Palatine "of Lancaster." 7 & 8 G. 4. c. lxiii.

An Act passed in the Fifty-fifth Year of the Reign of King George the Third, intituled "An Act for continuing and amending an Act "of His present Majesty, for repairing several Roads leading from "Shenfield to Harwich and Rochford, and other Places in the "County of Essex, and for extending the said Act to the Road "from Great Hallingbury to Hockerill, in the County of Hertford." 55 G. 3. c. xc.

And the Acts continued by any of the Acts in this Schedule mentioned.

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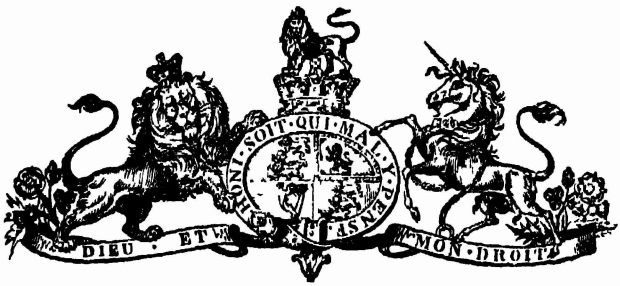


ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

**********

## CAP. LXXXVIII.

### An Act to amend the Laws relating to Pilotage.

[1st *August* 1849.]

WHEREAS under the existing Laws for the Regulation of Pilots and Pilotage in various Ports of the United Kingdom Masters of Vessels are liable to the compulsory Employment of Pilots, notwithstanding that the said Masters are either themselves or have on board their respective Vessels some One or more Persons competent to perform that Duty: And whereas it is expedient that the Authorities in Matters of Pilotage should be permitted in certain Cases to relieve the Masters of Vessels from such Compulsion, under certain prescribed Regulations: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That, notwithstanding any such Law, or any Usage, Custom, or Prescription whatever to the contrary hereof, any Master or Mate may, upon satisfactory Testimonials as to Sobriety and good Conduct being lodged with the Corporation of the *Trinity House* of *Deptford Strond*, or the Sub-Commissioners of Pilotage, or other legally constituted Authority in Matters of Pilotage for any Port or District, as the Case may be, be examined by some of the Elder Brethren of the said Corporation, or by the said Sub-Commissioners or other constituted Authority,

Masters and Mates of Merchant Vessels, after passing an Examination before legally constituted Authorities, to be competent to pilot Vessels

within the Limits in regard to which they shall have passed their Examination.

Authority, if they respectively shall see fit so to do, but not otherwise, with or without the Assistance of other Persons to be appointed by the said Corporation, Sub-Commissioners, or other constituted Authority respectively, as they shall see fit, as to his Seamanship and his Fitness to pilot any Vessel of which he may be the Master or the Mate, within the Limits for which he shall be so examined, and for which, if found fit to pilot the same, he shall receive a Certificate under the Common Seal of the said Corporation, or the Seal (if any) or Hands of the said Sub-Commissioners or other constituted Authority, setting forth the said Limits and the Vessel for which he shall be so certified, which Certificate shall be in force for One Year and no longer, and may be renewed from Year to Year, at the Discretion of the said Corporation, Sub-Commissioners, or other constituted Authority, as the Case may be, such Renewal to be endorsed on such Certificate and signed by the Secretary of the said Corporation for the Time being, or by any Two of the said Sub-Commissioners or other Persons composing such other constituted Authorities as aforesaid; and such Certificate, so long as the same shall be in force as above provided, shall be a full and sufficient Authority for the Person to whom the same shall have been granted to pilot and conduct, within the Limits specified in the said Certificate, the Vessel whereof he may be the Master or the Mate, without the Aid or Assistance of any duly licensed Pilot, and without being subject to any of the Penalties in that Behalf imposed by any Act or Acts or by or under any Charter or Charters relating to Pilotage: Provided always, that any Person to whom such Certificate shall have been granted, and who shall not employ a duly licensed Pilot, shall pilot and conduct such Vessel without the Aid or Assistance of any unlicensed Pilot: Provided also, that it shall not be lawful for the said Corporation, Sub-Commissioners, or other Authorities in Pilotage to grant any such Certificate as herein-before is mentioned in respect of any Port or District within which they have no Jurisdiction in Matters of Pilotage; and in any Case where a concurrent Jurisdiction exists such Certificate shall not be valid unless granted by each and every of the Corporations, Sub-Commissioners, or other Authorities having Jurisdiction in the Port or District for which the same is granted.

Act may be amended, &c.

II. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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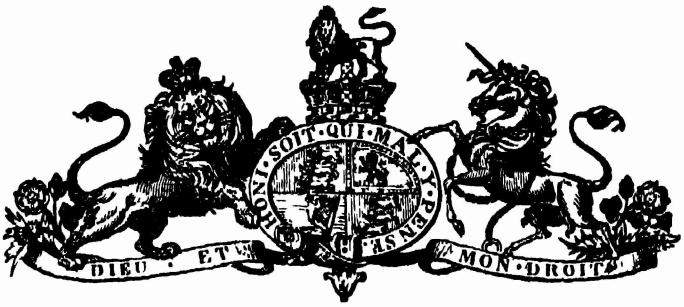


ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

***

*Treasury Instruments.*

Intents and Purposes as if issued, made, signified, or done by or under the Hands of the said Commissioners or by or under the Hands of any Three or more of them, as the Case may require.

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3

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

***

*Regulation.*

Act: Be it therefore enacted, That it shall be lawful to import into any Port of the United Kingdom, into which the Importation of Tobacco is or may hereafter be permitted, any Snuff the Produce of and coming directly from the United States in *America* in Packages each containing at least One hundred and fifty Pounds net Weight of such Snuff.

Cigarillos may be imported in Packages of not less than 75 lbs. each.

III. And be it enacted, That it shall and may be lawful to import into the United Kingdom Cigarillos or Cigarettos in any Packages containing Seventy-five Pounds Weight each at the least of such Cigarillos or Cigarettos.

Internal Subdivisions of Packages prohibited.

IV. And be it enacted and declared, That where the Importation of Tobacco or Snuff is required by Law to be made in Packages of a certain Weight, such Tobacco or Snuff shall not be separated or divided in any Manner within such Packages, except in such Manner as is provided by the said last-mentioned Act, under Penalty of Forfeiture of the same.

In case of Dispute Importer to deposit the Duty demanded.

V. And be it enacted, That if any Dispute shall arise as to the proper Duty payable in respect of any Goods imported into the United Kingdom, and admissible for Home Consumption, the Importer or Consignee, or his or their Agent, shall deposit in the Hands of the Collector of the Customs at the Port of Importation the Amount of Duty demanded by such Collector; and such Deposit shall be deemed and taken to be the proper Duty payable in respect of such Goods, unless an Action or Suit shall be brought or commenced by the Importer of such Goods within Three Calendar Months from the Time of making such Deposit in some or one of Her Majesty's Courts of Law at *Westminster*, *Dublin*, or *Edinburgh* against such Collector for the Purpose of ascertaining whether any and what Amount of Duty is due and payable upon such Goods; and upon Payment of such Deposit and passing a proper Entry for such Goods by the Importer, Consignee, or Agent, such Collector shall thereupon cause the said Goods to be delivered in virtue of such Entry.

On Payment of such Deposit and passing Entries for the Goods Importer to have Delivery.

Deposits to be carried to the Account of the Crown.

VI. And be it enacted, That where such Deposit shall have been made as aforesaid the same shall be paid by the said Collector to the Receiver General of Her Majesty's Customs, to be by him carried to the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*; and in case no Action shall be brought within the Time herein-before limited for that Purpose, such Deposit shall be retained and applied to the Use of Her Majesty in the same Manner as if the same had been originally paid and received as the Duties

If no Action brought within the Three Months Deposit to be retained.

Duties due and payable on such Goods; and in case such Action shall be so brought, and it shall thereupon be determined by due Course of Law that the Duty so demanded and deposited was not the proper Duty due and payable upon such Goods, but that a less Duty or no Duty was payable thereon, then the Difference between the Sum so deposited and the Duty so found to be due, or the whole Sum so deposited, as the Case may require, shall forthwith be returned to such Importer, with Interest thereon after the Rate of Five Pounds *per Centum per Annum* for the Period during which the Sum so paid or returned shall have been so deposited; and such Payment shall be accepted and taken by such Importer in satisfaction of all Claims and Demands in respect of the Importation of such Goods and the Duties payable thereon, and of all or any Damages and Expenses incident thereto.

*Regulation.*

VII. And be it enacted, That if the proper Officers of the Customs shall place any Lock, Mark, or Seal upon any Stores on board any Ship or Vessel arriving in the United Kingdom, and such Lock, Mark, or Seal be wilfully opened, altered, or broken, or if any such Stores be secretly conveyed away, either while the Ship remains in the Port at which she shall have so arrived, or before she shall have arrived at any other Port in the United Kingdom to which she may then be about to proceed, the Master of such Ship shall forfeit the Sum of Twenty Pounds.

Officers may put Seals upon Stores Inwards.

If such Seals be broken or the Stores secretly conveyed away, Master to forfeit 20*l.*

VIII. And be it enacted, That if the proper Officer of the Customs shall place any Lock, Mark, or Seal upon any Goods taken from the Warehouse without Payment of Duty as Stores on board any Ship or Vessel departing from any Port in the United Kingdom, and such Lock, Mark, or Seal be wilfully opened, altered, or broken, or if any such Stores be secretly conveyed away, either while such Ship or Vessel remains at her first Port of Departure, or at any other Port or Place in the United Kingdom, or on her Passage from one such Port or Place to another, before the final Departure of such Ship or Vessel on her Foreign Voyage, the Master shall forfeit the Sum of Twenty Pounds.

If Officers put Seals upon Stores from the Warehouse Outwards, and such Seals be broken, Master to forfeit 20*l.*

IX. And whereas by the said last-mentioned Act it is enacted that no Ship shall be cleared from any Port of the United Kingdom, either for a Coasting or a Foreign Voyage, laden with Coals or Culm or Cinders which had not been previously brought into such Port, until the Fitter or Coalowner, or his Agent, vending or shipping the same, shall have delivered to the Collector or Comptroller Two Certificates under his Hand, expressing the total Quantities of Coals, Culm, and Cinders respectively shipped or intended to be shipped by him

Certain Provision of 8 & 9 Vict. c. 86. repealed.

*Regulation.*

him in such Ship: Be it enacted, That so much of the said Act as is herein-before recited shall be repealed.

Certificates for Coals, Culm, or Cinders shipped in the United Kingdom may be granted by the Purchaser of them and certain others.

X. And be it enacted, That no Ship shall be cleared from any Port in the United Kingdom, either for a Coasting or a Foreign Voyage, laden with Coals or Coal, or Culm or Cinders, which had not been previously brought Coastwise into such Port, until the Fitter or Coalowner, or his Agent, vending or shipping the same, or the Purchaser of such Coals or Coal or Culm or Cinders, or the Master or Owner of the Vessel in which such Coals or Coal, or Culm or Cinders, are shipped or intended to be shipped, or the Agent to such Vessel, shall have delivered to the Collector or Comptroller Two Certificates under his Hand, expressing the total Quantities of Coals or Coal, or Culm and Cinders respectively, shipped or intended to be shipped by him in such Ship, and the Collector or Comptroller shall retain one of such Certificates, and shall deliver the other, signed by him, to the Master of the Ship; and every Fitter, Coalowner, or Agent, Purchaser, Master, Owner, or Agent of and for the Vessel on board of which such Coals or Coal, or Culm or Cinders, are shipped or intended to be shipped, who shall refuse to give such Certificate, shall forfeit and pay the Sum of One hundred Pounds; and if any such Fitter, Coalowner, or his Agent, Purchaser, Master, Owner, or Agent of the Vessel, or any other Person, shall give a false Certificate he shall forfeit the Sum of One hundred Pounds; and the Master of such Ship shall keep such Certificate, and produce the same to any Officers of the Customs demanding such Production, and shall, before Bulk be broken, deliver such Certificate to the Collector or Comptroller of any Port of the United Kingdom to which such Coal, Culm, or Cinders shall be carried in such Ship; and if such Master shall refuse to produce or deliver such Certificate in manner aforesaid he shall forfeit the Sum of Twenty Pounds.

Unlicensed Persons acting as Lightermen of warehoused or Drawback Goods subject to a Penalty of 20*l.*

XI. And whereas by the said last-mentioned Act it is enacted, that no Goods cleared for Drawback or Bounty or from the Warehouse shall be carried or waterborne to be put on board any Ship for Exportation from the United Kingdom by any Person, unless such Person shall be authorized for that Purpose by Licence under the Hands of the Commissioners of Her Majesty's Customs: And whereas such Goods are frequently so carried and waterborne by unlicensed Persons: Be it enacted, That if after the passing of this Act any Person not so licensed as aforesaid, or not being in the Employ of some Person so licensed and approved of for that Purpose by the said Commissioners, shall so carry or waterbear any Goods so cleared for Drawback or Bounty or from the Warehouse, he shall for every such Offence forfeit the Sum of Twenty Pounds.

*Regulation.*

Goods subject to Quarantine to be entered within Fourteen Days after the Expiration of Quarantine.

XII. And whereas by the said last-mentioned Act it is enacted, that every Importer of any Goods shall, within Fourteen Days after the Arrival of the Ship importing the same, make perfect Entry Inwards of such Goods, or Entry by Bill of Sight, in the Manner therein provided, and shall within such Time land the same, and that in default of such Entry and landing it shall be lawful for the Officers of the Customs to convey such Goods to the Queen's Warehouse: And whereas it is expedient to extend the Provisions of the said Act to Goods subject to the Performance of Quarantine: Be it therefore enacted, That the Importers of all Goods which shall be liable to the Performance of Quarantine shall, within Fourteen Days after such Goods shall have been released from Quarantine, make perfect Entry Inwards of such Goods, and shall within such Time remove the same from the Lazarette, and land them; and in default of such Entry, Removal, and landing within the said Period of Fourteen Days, it shall be lawful for the Officers of the Customs to convey such Goods to the Queen's Warehouse; and if the Duties due upon any Goods so conveyed to the Queen's Warehouse shall not be paid within Three Months after the same shall have been lodged in such Warehouse, together with all Charges of Removal and Warehouse Rent, the same shall be sold, and the Produce thereof shall be applied first to the Payment of Freight and Charges, next of Duties, and the Overplus, if any, shall be paid to the Proprietors of the Goods.

Goods removed from the importing Vessel to be landed with all convenient Speed.

XIII. And whereas it is expedient to amend the Regulations for the landing of Goods from importing Vessels in the Manner following: Be it enacted, That when any Goods shall be unshipped or removed from any Vessel in which they shall have been imported from Foreign Parts for the Purpose of being landed after due Entry thereof, such Goods shall be thereupon with all convenient Speed removed to and landed at the Wharf, Quay, or other Place at which the same are intended to be landed; and if such Goods are not so removed and landed, the same shall be forfeited, together with the Barge, Lighter, Boat, or other Vessel employed in removing the same.

Bonds relating to the Customs to be taken by the Collector, and to be cancelled if not put in Suit within Three Years.

XIV. And whereas by the said Act it is enacted, that all Bonds relating to the Customs required to be given in respect of Goods or Ships, except Bonds given for securing the due Exportation of or Payment of Duty upon Goods warehoused according to Law, shall be taken by the Collector and Comptroller for the Use of Her Majesty, and that after the Expiration of Three Years from the Date thereof, or from the Time, if any, limited for the Performance of the Condition thereof, every such Bond upon which no Prosecution or Suit shall have been commenced shall be void, and may be cancelled or destroyed: Be it enacted, That so much of the said Act as is above

*Regulation.*

recited shall be repealed, and that all Bonds relating to the Customs required to be given in respect of Goods or Ships shall be taken by the Collector and Comptroller for the Use of Her Majesty, and after the Expiration of Three Years from the Date thereof, or from the Time, if any, limited for the Performance of the Condition thereof, all such Bonds, except such as are given for securing the due Exportation of or Payment of Duty upon Goods warehoused according to Law, upon which no Prosecution or Suit shall have been commenced, shall be void, and may be cancelled and destroyed.

Powers vested by Customs Acts in Officers of Excise to be exercised by Officers of Inland Revenue.

12 & 13 Vict. c. 1.

XV. And whereas by certain Acts relating to the Customs and to Trade and Navigation certain Powers are vested in and certain Acts are authorized and required to be done by Commissioners of Excise and by Officers of Excise: And whereas by an Act passed in the Twelfth and Thirteenth Years of the Reign of Her present Majesty Queen *Victoria*, intituled *An Act to consolidate the Boards of Excise and Stamps and Taxes into One Board of Commissioners of Inland Revenue, and to make Provision for the Collection of such Revenue*, it is enacted, that the several Persons then being Commissioners of Stamps and Taxes respectively should become and be One consolidated Board of Commissioners, and should be called the Commissioners of Inland Revenue, and that the several Revenues, Duties, Matters, and Things which then were collected, or were under the Care and Management of the said Commissioners of Excise and of the said Commissioners of Stamps and Taxes respectively, should respectively be collected by and under the Care and Management of the said Commissioners of Inland Revenue: Be it enacted, That all the Powers by the said first-mentioned Acts vested in and all the Acts by such Acts authorized and required to be done by Commissioners of Excise or by Officers of Excise shall and may respectively be vested in and done by Commissioners of Inland Revenue and Officers of Inland Revenue.

*Smuggling.*

8 & 9 Vict. c. 87.

Repeal of Act as to Licences for Vessels and Boats.

XVI. And whereas by another of the said Acts, intituled *An Act for the Prevention of Smuggling*, certain Vessels therein mentioned are rendered liable to Forfeiture, unless the Owners thereof shall have obtained a Licence from the Commissioners of Her Majesty's Customs in the Manner therein described, and it is expedient to alter and amend the same as herein-after is mentioned: Be it enacted, That so much of the said Act as regards the licensing of Vessels and Boats shall be repealed, except so far as relates to any Penalty or Forfeiture which shall have been incurred under the said Act.

Commissioners may make general

XVII. And be it enacted, That it shall be lawful for the said Commissioners by Order under their Hands, to make such general

Regulations, and to revoke, alter, and vary the same from Time to Time as they shall deem expedient, in respect of Vessels and Boats not exceeding One hundred and seventy Tons Burden, for the Purpose of defining and prescribing with reference to the Tonnage, Build, or Description of such Vessels or Boats the Limits within which the same may be employed, the Mode of Navigation, the Manner in which such Vessels or Boats shall be so employed, and, if armed, the Number and Description of Arms, the Quantity of Ammunition, and such other Terms, Particulars, Conditions, and Restrictions as the said Commissioners may think fit, and also from Time to Time to revoke, alter, or vary such Regulations.

*Smuggling*

Regulations for Vessels and Boats not exceeding 170 Tons.

XVIII. And be it enacted, That every Vessel or Boat which shall be used or employed in any Manner contrary to the Regulations so to be prescribed by the said Commissioners shall be liable to Forfeiture, and shall and may be seized by any Officer of Her Majesty's Army, Navy, or Marines duly employed for the Prevention of Smuggling, and on full Pay, or by any Officer of Customs or Inland Revenue, or by any Person having Authority to seize from the Commissioners of Her Majesty's Customs or Inland Revenue, unless the same shall have been specially licensed by the Commissioners of Her Majesty's Customs to be so used or employed as next herein-after provided.

Vessels and Boats used contrary to Regulations forfeited, and may be seized by Officers of Army, &c.

XIX. And be it enacted, That the said Commissioners shall and may, if they shall so think fit, grant Licences in respect of any Vessels or Boats not exceeding One hundred and seventy Tons Burden upon such Terms and Conditions, and subject to such Restrictions and Stipulations, as in such Licences shall be mentioned or contained, notwithstanding any general Regulations made in pursuance of this Act, and whether the said Regulations shall be revoked or not: Provided always, that if any Vessel or Boat which shall be so licensed as aforesaid shall not comply with the Conditions imposed by or expressed in any such Licence, or if such Vessel or Boat shall be found without having such Licence on board, such Vessel or Boat shall be forfeited.

Commissioners of Customs may grant special Licences on Terms.

XX. And be it enacted, That it shall be lawful for the said Commissioners to revoke, alter, or vary any Licence or Licences already or hereafter to be granted under the Laws now in force, or which may hereafter be granted under this or any other Act relating to the Customs.

Commissioners may revoke Licences.

XXI. And be it enacted, That all Licences for Vessels or Boats granted in pursuance of any former Act relating to the Customs, or for the Prevention of Smuggling, shall continue valid for all the Purposes

Former Licences valid until revoked or superseded by general Regulations.

*Smuggling.*

Purposes for which such Licences were required (unless the same shall in the meantime be revoked, altered, or varied,) until the said Commissioners shall make such general Regulations as aforesaid, and all Bonds given on the granting of any such Licence as aforesaid shall continue valid, and may be put in force.

Vessels made use of in Removal of uncustomed or prohibited Goods forfeited.

XXII. And be it enacted, That if any such Vessel or Boat, of whatever Tonnage or Description it may be, shall be made use of in the Importation, Landing, Removal, Carriage, or Conveyance of any uncustomed or prohibited Goods, the same shall be liable to Forfeiture, and shall and may be seized by any Officer of Her Majesty's Army, Navy, or Marines duly employed for the Prevention of Smuggling, and on full Pay, or by any Officer of Customs or Inland Revenue, or by any Person having Authority to seize from the Commissioners of Her Majesty's Customs or Inland Revenue; and the Owner and Master of every such Vessel or Boat shall forfeit and pay a Penalty equal to the Value of such Vessel or Boat, provided such Penalty shall not in any Case exceed One thousand Pounds.

Regulations to extend to the Channel Islands.

XXIII. And be it enacted, That all the Regulations which shall be so made by the said Commissioners relating to Vessels and Boats, and the Power to grant, revoke, alter, or vary such Licences, shall extend to the Islands of *Guernsey*, *Jersey*, *Alderney*, *Sark*, and *Man*.

Notice of Regulations to be printed and posted, and Copies delivered to Owners and Masters on Application.

XXIV. And be it enacted, That when and so often as any such general Regulation, Revocation, Alteration, or Variation shall be made as aforesaid the same shall be printed, and One printed Copy thereof affixed in the usual Place for affixing Notices in the Custom House at each of the respective Ports in the United Kingdom, and other printed Copies thereof shall be furnished by the principal Officers of the Customs to any Owners or Masters of any such Boats or Vessels as may apply for the same.

Persons concerned in importing prohibited or restricted Goods liable to a Penalty of 100*l.* or treble the Value of them, notwithstanding such Goods may not have been unshipped.

XXV. And be it enacted, That every Person who shall be in any way concerned in importing or bringing into the United Kingdom or the *Isle of Man* any Goods which, under any Law now in force or hereafter to be made, may be in any way prohibited or restricted, shall forfeit either treble the Value of the said Goods or the Penalty of One hundred Pounds, at the Election of the Commissioners of Her Majesty's Customs, notwithstanding such Goods may not have been unshipped from the Vessel in which they may have been imported or brought into the said United Kingdom or into the *Isle of Man*.

XXVI. And

*Customs.*

*Smuggling.*

Fees to be allowed to Justices Clerks.

XXVI. And whereas it is expedient to establish one uniform Scale of Fees to be allowed to Clerks to Justices of the Peace in the United Kingdom in all Cases of Prosecution instituted under the Laws relating to the Customs, or otherwise under the Direction or by the Order of the Commissioners of Her Majesty's Customs: Be it therefore enacted, That the Fees to be allowed to the Clerks to the Justices of Peace in the United Kingdom shall be regulated and governed by the Table of Fees hereunto annexed marked A., and the Fees therein specified shall be allowed to and taken by such Clerks to Justices for or in respect of the Matters and Things therein mentioned, as the Case may be, and in lieu and instead of all other Fees heretofore chargeable.

Rewards to be distributed as the Lords of the Treasury or the Commissioners of Customs may see fit.

XXVII. And whereas by the said last-mentioned Act certain Rewards are payable to the Officers on making Seizures under the Laws relating to the Customs or to Trade and Navigation: And whereas it is expedient that Power should be given to the Commissioners of the Treasury and the Commissioners of Her Majesty's Customs to alter and vary the Distribution of such Rewards in such Cases as they may think fit: Be it enacted, That it shall be lawful for the Commissioners of the Treasury or the Commissioners of Her Majesty's Customs to distribute any such Rewards on any Seizure in such Manner and in such Proportions as they may think fit.

*Registry.*

Certain Provision of 8 & 9 Vict. c. 89 repealed.

XXVIII. And be it enacted, That so much of another of the said Acts, intituled *An Act for the registering of* British *Vessels*, as relates to the Issue of *Mediterranean* Passes, shall be and the same is hereby repealed.

*Duties.*

New Rates of Duty upon certain Articles.

XXIX. And be it enacted, That in lieu and instead of the Duties of Customs now payable upon the Articles mentioned in the Table to this Act annexed marked B. there shall be raised, levied, collected, and paid to Her Majesty, Her Heirs and Successors, upon the said Articles already or hereafter to be imported in the United Kingdom the several Duties of Customs respectively inserted and set forth in Figures in the said Table.

Goods in Warehouse at the Commencement of these Duties deemed subject to them.

XXX. And be it enacted and declared, That such of the several Sorts of Goods as are by this Act charged with Duty as shall have been warehoused without Payment of Duty upon the Importation thereof, and which shall be in the Warehouse at the Commencement of the Duties imposed by this Act, shall be deemed and taken to be liable to such Duties.



XXXI. And

*Duties.*

Duties to be under the Management of the Commissioners of Customs.

XXXI. And be it enacted, That the Duties by this Act imposed shall be under the Management of the Commissioners of Her Majesty's Customs, and shall be raised, levied, collected, paid, recovered, and applied or appropriated under the Provisions of any Act or Acts now in force or hereafter to be passed relating to the Customs.

When new Duties of Customs are imposed in lieu of former ones such former ones are to continue until the new Duties become chargeable.

XXXII. And be it enacted, That in all Cases where any new Duties of Customs or other Duties under the Management, Collection, or Control of the Commissioners of Her Majesty's Customs are or may be imposed by any Act or Acts in lieu of any former Duties payable at the Time of the passing of such Act or Acts, such former Duties shall be and continue payable until such new Duties imposed in lieu thereof shall become chargeable, save and except in Cases where the Provision hereby made shall in the Act or Acts imposing such new Duties be specially repealed or declared to be inapplicable thereto.

*Warehouse.*

When Spirits are re-gauged at the Request of the Importer Duty to be charged upon the Quantity so ascertained;

XXXIII. And whereas by another of the said Acts intituled *An Act for the warehousing of Goods*, a certain Abatement of Duty is made upon Spirits (other than Rum of the *British* Plantations) when taken out of Warehouse for Home Use, on account of Deficiency of the Quantity or Strength first ascertained in the Mode prescribed by the said Act, after the several Rates of Allowances therein mentioned: And whereas the Importers of such Spirits or their Agents frequently require to have the same re-gauged, in order to ascertain the Rates of Allowances to which such Spirits may be entitled, which is attended with much Inconvenience and Expense: Be it therefore enacted, That no such Spirits shall be re-gauged, except when required for actual Delivery, and when such re-gauging shall take place it shall be deemed to be made for the Purpose of such Spirits being so delivered, and the Duty shall be charged upon the Quantity then ascertained, whether the Delivery of such Spirits shall take place immediately upon their being so re-gauged or not: Provided always, that if such Spirits shall not be delivered within Three Months from the Time of their being so re-gauged, it shall be lawful for the Importer or his Agent again to have them re-gauged, and so on for every Period of Three Months during which such Spirits shall remain in the Warehouse.

but if such Spirits are not delivered within Three Months from such Re-gauge the Importer may require to have them re-gauged.

Duties to be paid on Corn, &c. when imported and entered.

XXXIV. And whereas Corn, Grain, Meal, and Flour may, upon Importation thereof into the United Kingdom, upon due Entry thereof, be deposited in Warehouses or Places of Security without Payment of Duty upon such Entry and Deposit: And whereas it is

*Warehouse.*

expedient that the Duties imposed upon such Goods should be immediately paid upon the Importation and Entry thereof: Be it enacted, That from and after the passing of this Act the Duties imposed upon Corn, Grain, Meal, and Flour imported or brought into the United Kingdom shall be paid immediately upon the Importation and Entry of all such Corn, Grain, Meal, and Flour, whether the same be entered to be warehoused or not.

Goods in Warehouse to be chargeable with Duties payable on the like Sort of Goods when entered for Home Consumption.

XXXV. And be it enacted, That all Goods whatsoever which now are or may be deposited in any Warehouse or Place of Security under any Act of Parliament passed or to be passed for the warehousing of Goods, without Payment of Duty upon the first Importation thereof, or which may be imported and on board any Ship or Vessel, shall, upon being entered for Home Consumption, be subject and liable to such and the like Duties as may, at the Time of passing such Entry, be due and payable on the like Sort of Goods under any Act or Acts passed for imposing any Duty or Duties of Customs which shall or may be in force at the Time of passing such Entry, save and except in Cases where special Provision shall be made in any such Act or Acts to the contrary.

Goods warehoused not cleared within Seven Years may be sold by Order of the Commissioners of Her Majesty's Customs.

XXXVI. And be it enacted, That when any Goods deposited in any Warehouse for Security of Duties shall remain unclaimed for the Period of Seven Years from the Date of Importation, and the Owner of such Goods cannot be found, it shall be lawful for the Commissioners of Her Majesty's Customs to direct Sale thereof for Payment of the Duties due thereon, and after Payment of such Duties, together with the Freight and Charges, Warehouse Rent, and other incidental Expenses, to retain the Surplus, if any, arising from such Sale, to abide the Claim of the Owner of such Goods, or if such Goods shall be found not to be worth the Duty, then it shall be lawful for the said Commissioners to direct or cause the same to be destroyed.

*Possessions abroad.*

Acts done in the Possessions abroad with Officers appointed for the Purpose to be as valid as Acts done with Collectors, &c. of Customs under the present Laws.

XXXVII. And be it enacted, That any Act, Matter, or Thing required by any Law relating to the Customs to be done or performed by, to, or with the Collector and Comptroller, or by, to, or with any Officer of Customs in any of Her Majesty's Possessions abroad, shall and may be done and performed by, to, and with any Officer of Customs appointed by the Commissioners of Her Majesty's Customs to do and perform such Acts, Matters, and Things in any such Possession; and every such Act, Matter, and Thing done or performed by, to, and with such Officer shall be as valid and effectual in Law as if the same had been done and performed by, to, and with any such

such Collector, or any such Collector and Comptroller, or by, to, and with any Officer of Customs under any Law now in force or hereafter to be made.

*Isle of Man.*

Muscovado Sugar admissible into the Isle of Man at a Duty of 1*s.* the Cwt.; and Tea at a Duty of 1*s.* per lb.

XXXVIII. And be it enacted, That from and after the passing of this Act *Muscovado* Sugar shall be admissible into the *Isle of Man*, upon Payment of a Duty of One Shilling for every Hundred Weight, and so in proportion for any greater or less Quantity than a Hundred Weight; and that all Tea imported or brought by Sea into the said Island shall be admissible into the said Island, and be charged with a Duty of One Shilling *per* Pound.

Act to be registered in Royal Courts of Guernsey and Jersey.

XXXIX. And be it enacted, That this Act shall be registered in the Royal Courts of the Islands of *Guernsey* and *Jersey* respectively, and that the said Royal Courts respectively shall have full Power and Authority and are hereby required to register the same.

4 & 5 W. 4. c. 52.

9 & 10 Vict. c. 102.

XL. And whereas an Act was passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend an Act of the Twentieth Year of His Majesty King* George *the Second for the Relief and Support of sick, maimed, and disabled Seamen, and the Widows and Children of such as shall be killed, slain, or drowned in the Merchant Service; and for other Purposes:* And whereas by another Act, passed in the Session of Parliament holden in the Ninth and Tenth Years of Her present Majesty, intituled *An Act to amend the Laws relating to the Customs*, certain Powers are given to the Commissioners of Her Majesty's Treasury to appoint any Port and to declare the Limits of the same, and annul, alter, or vary the Names, Bounds, and Limits of any such Port: And whereas, in pursuance of the Powers granted by the said first-mentioned Act, Trustees have been appointed for certain Outports, and other similar Appointments may be made for certain other Outports, such Appointments being made or to be made with reference to the Limits of such Ports as existing at the Time of each Appointment: And whereas by the said last-mentioned Act the Limits of such Outports have already in some Cases, and may hereafter in other Cases, be altered: Be it therefore enacted, That any such Alterations made or to be made in the Limits of any Outport after such Appointments of Trustees have been or shall hereafter be made shall be deemed to be made for Customs Purposes only, and shall not in anywise affect such Appointments or the Powers of such Trustees with reference to the Limits of such Outports at the Time of such Appointments, but that such Limits shall be deemed and taken to remain, continue, and be the same for the

Where the Limits of Ports have been altered by the Lords of the Treasury, such Alteration is not to affect the Powers of Trustees ap-

the Purposes of such first-mentioned Act as if no such Alterations had been made for Customs Purposes as aforesaid.

pointed under 4 & 5 W. 4. c. 52.

XLI. And whereas by an Act passed in the Thirty-ninth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for rendering more commodious and for better regulating the Port of* London, and also by several subsequent Acts, certain Rates or Duties of Tonnage were imposed on Ships or Vessels frequenting the Port of *London*, to be applied in manner therein directed: And whereas by the said Act, and by several subsequent Acts, certain Sums of Money were advanced out of the Consolidated Fund upon the Credit of the said Rates or Duties for the Purposes of the said Act: And whereas the said Sums of Money so advanced out of the Consolidated Fund under the said Acts have been fully paid and replaced: Be it therefore enacted, That from and after the passing of this Act so much of an Act passed in the Fourth and Fifth Years of the Reign of His Majesty King *William* the Fourth as directs that the Duties imposed by that Act shall be under the Management of the Commissioners of His Majesty's Customs, and shall be received and recovered in the same Manner as any Duties of Customs are or can be received or recovered, shall be repealed.

Collection of certain Dues under 39 G. 3. c. lxix, &c. by the Customs repealed.

XLII. And be it enacted, That the said Duties shall, from and after the passing of this Act, be managed, paid, received, and recovered by the Mayor, Commonalty, and Citizens of the City of *London* in such and the like Manner as any other Duties, Rates, or Dues may be managed, paid, received, and recovered by the said Mayor, Commonalty, and Citizens of the City of *London*; and the said Duties (the Cost and Expense of collecting and controlling the same being first paid) shall be applied by the Mayor, Commonalty, and Citizens of the City of *London* in the Manner and for the Purposes directed by the said Act passed in the Fourth and Fifth Years of the Reign of King *William* the Fourth.

Tonnage Duties to be under Management of Corporation of London.

XLIII. And whereas by certain Local Acts for establishing or regulating Docks, Officers appointed under such Acts respectively are empowered to cause Goods brought into such Docks to be landed and warehoused as therein mentioned: Be it enacted, That no Goods which shall be brought into any such Docks shall be landed and warehoused without due Entry thereof.

Goods brought into Docks not to be landed or warehoused without due Entry.

XLIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

Act may be amended, &c.

## A.

## A Table of Fees referred to in the foregoing Act.

*In Cases summarily disposed of by One Justice.*

| | £ | s. | d. |
|---|---|---|---|
| Convening Justices in One or more Detention Cases on the same Day | 0 | 2 | 6 |
| Attendance in each Case of Detention for the same Offence: | | | |
| Where One Person detained | 0 | 5 | 0 |
| Two Ditto | 0 | 7 | 6 |
| Three or more Ditto | 0 | 10 | 6 |

*In Cases of Detention and Remand.*

| | | | |
|---|---|---|---|
| Convening Justice in One or more Detention Cases on the same Day | 0 | 2 | 6 |
| Taking Information of Officer to ground Warrant of Detention against One or more Persons for the same Offence, and Oath | 0 | 2 | 6 |
| Warrant of Detention for One Defendant only | 0 | 1 | 6 |
| For each additional Defendant | 0 | 0 | 6 |
| Convening Justice to hear One or more Cases on same Day | 0 | 5 | 0 |
| For every Summons to Witnesses when required | 0 | 2 | 0 |
| For each Information exhibited | 0 | 2 | 6 |
| For each Witness examined, where Examination does not exceed Two Folios, and Oath | 0 | 1 | 0 |
| For every additional Folio beyond Two Folios | 0 | 0 | 8 |
| Taking down Prisoner's Reply, if any, to Charge | 0 | 1 | 0 |
| Recording Conviction or Acquittal | 0 | 2 | 6 |
| Warrant of Commitment, and Copy for Revenue Solicitor | 0 | 4 | 0 |
| Drawing and engrossing Conviction on Parchment to file, and transmitting same to Clerk of Peace | 0 | 6 | 0 |

*In Cases where the Parties are proceeded against by Summons.*

| | | | |
|---|---|---|---|
| Convening Justices to receive Information in One or more Cases for same Day when required by Complainant | 0 | 2 | 6 |
| For each Information exhibited | 0 | 2 | 6 |
| Summons for Defendant's Appearance, and Duplicate | 0 | 3 | 0 |
| Convening Justices in One or more Cases on same Day, when required by Complainant | 0 | 5 | 0 |
| Each Summons for Witnesses (when required), and Duplicate | 0 | 2 | 0 |
| For each Witness examined, where Examination does not exceed Two Folios, and Oath | 0 | 1 | 0 |
| For every additional Folio after the Two first | 0 | 0 | 8 |
| Taking Statement of Party accused, when in Writing | 0 | 1 | 0 |
| Recording Conviction or Acquittal | 0 | 2 | 6 |
| Warrant of Commitment, and Copy for Revenue Solicitor | 0 | 4 | 0 |
| Drawing and engrossing Conviction on Parchment to file, and transmitting same to Clerk of Peace | 0 | 6 | 0 |

GENERAL PROSECUTIONS at the INSTANCE of the COMMISSIONERS of CUSTOMS.

*In Cases where Parties are brought before Justices for Offences determinable at Sessions or Assizes.*

| | £ | s. | d. |
|---|---|---|---|
| Convening Justices when required | 0 | 2 | 6 |
| Information and Oath to ground Warrant or Summons | 0 | 2 | 6 |
| Summons to compel Party's Appearance, and Duplicate | 0 | 3 | 0 |
| Warrant for Apprehension of Offender | 0 | 3 | 0 |
| Taking Depositions of Witnesses, per Folio | 0 | 0 | 8 |
| Copies ditto for Revenue Solicitor when required, per Folio | 0 | 0 | 4 |
| Warrant of Commitment | 0 | 2 | 6 |
| Recognizance to prosecute and give Evidence | 0 | 2 | 6 |
| Recognizance to give Evidence, whatever the Number of Witnesses included therein | 0 | 2 | 6 |
| For each Notice of Recognizance to prosecute or give Evidence | 0 | 1 | 0 |

## B.

## TABLE OF DUTIES referred to in the foregoing Act.

| ARTICLES. | Rates of Duty. Of or from Foreign Countries. £ | s. | d. | Of and from British Possessions. £ | s. | d. |
|---|---|---|---|---|---|---|
| Embroidery and Needlework - for every 100*l.* Value | 15 | 0 | 0 | 5 | 0 | 0 |
| Articles of Green or common Glass - the Cwt. | 0 | 0 | 9 | 0 | 0 | 9 |
| Leather Manufactures:— | | | | | | |
| —— Men's Boots and Shoes — | | | | | | |
| —— If the Quarter do not exceed 2¾ Inches or the Vamp 4 Inches in Height from the Sole inside - the Dozen Pairs | 0 | 7 | 0 | 0 | 7 | 0 |
| —— If either the Quarter or Vamp exceed the above Dimensions, but do not exceed 6 Inches in Height from the Sole inside the Dozen Pairs | 0 | 10 | 6 | 0 | 10 | 6 |
| —— If either the Quarter or Vamp do exceed 6 Inches in Height from the Sole inside - - the Dozen Pairs | 0 | 14 | 0 | 0 | 14 | 0 |
| Wild Nutmegs, not in the Shell - - the lb. | 0 | 0 | 5 | 0 | 0 | 5 |
| Wines, of any Description, not enumerated or otherwise charged with Duty in any Act or Acts relating to the Customs - - - - the Gallon | - | | - | 0 | 2 | 9 |
| —— The Lees of such Wine - - the Gallon | - | | - | 0 | 2 | 9 |
| Coffee:— | | | | | | |
| —— Kiln-dried, roasted, or ground, on and after the 1st Day of January 1850 - - the lb. | 0 | 0 | 8 | 0 | 0 | 5 |

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

***

Appointment of Collector General.

II. And be it enacted, That it shall be lawful for the Lord Lieutenant of *Ireland*, by Warrant under his Hand and Seal, to appoint from Time to Time such Person as he may think proper to be the Collector General of Rates for the Purposes of this Act, and to remove such Person, and in like Manner to appoint any other Person in his Place; and in case of the Sickness or necessary Absence of such Collector General it shall be lawful for the said Collector General, with the Approbation of the said Lord Lieutenant, to appoint some other Person to act in the Place of such Collector General; and that the Person who shall for the Time being act as Collector General shall and he is hereby authorized to applot, collect, levy, and receive the Rates, Cesses, and Taxes herein mentioned, and all Arrears thereof, in the Manner by this Act provided.

Collector General shall applot and collect Rates.

Upon the Death or Removal of the Collector General, the Balance of Cash at the Bank to be transmitted to his Successor.

III. And be it enacted, That upon the Death, Resignation, or Removal of any Collector General appointed under this Act, the Balance of Cash for which he shall at that Time have Credit on his Account as Collector General with the Governor and Company of the Bank of *Ireland* shall, as soon as a Successor shall be appointed to the Office of Collector General, actually vest in such Successor, and shall be immediately transferred to the Account of such Successor, to be applied for the Purposes of this Act; and the Collector General for the Time being is hereby required to issue his Drafts or Orders for all unsatisfied Charges and Demands payable out of the Monies in the Bank, although the same shall have accrued in the Time of any former Collector General.

Upon the Removal of the Collector General his Successor may sue for any Balance remaining in his Hands.

IV. And be it enacted, That if any Person, having resigned or having been removed from the Office of Collector General, shall neglect, within Twenty-one Days after Notice for such Purpose, to account for and pay to any succeeding Collector General all such Sums of Money as shall remain in his Hands applicable to the Purposes of this Act, it shall be lawful for the Collector General for the Time being, in his own proper Name only, or by his Name and Description of Office, to sue for and recover the same from such Person, with Costs of Suit, in any of Her Majesty's Courts of Record at *Dublin*, by Action of Debt, in which Action it shall be sufficient for such Collector General to declare as for Money had and received to the Use of such Collector General for the Purposes of this Act; and the Defendant in the Action may, at the Discretion of any Judge of such Court, be held to Special Bail in such competent Sum as the Judge shall order; and the Court in which the Action shall be brought may, at the Instance of either of the Parties, refer the Account in dispute in a summary Manner, without Prejudice to such Special Bail, to be audited by any Officer of the Court or other

other fit Person, who may examine both Plaintiff and Defendant upon Oath (which Oath the said Referee shall have Power to administer); and upon the Report of such Referee, unless either of the Parties shall show good Cause to the contrary, the Court may make a Rule, either for the Payment of such Sum as upon the Report shall appear to be due, or for staying the Proceedings in the Action, and upon such Terms and Conditions as to the Court shall appear reasonable, or the Court may order Judgment to be entered up for such Sum as upon the Report shall appear to be due.

Mode of proceeding against the Representatives of a deceased Collector General.

V. And be it enacted, That in case of the Death of any Person during the Time that he shall be holding the Office of Collector General, or after he shall have resigned or been removed from such Office, the Collector General for the Time being may, in his own proper Name only, or by his Name and Description of Office, sue for and recover from the Executors or Administrators of such Person deceased all such Sums of Money as shall have been remaining in his Hands applicable to the Purposes of this Act, by an Action of Debt in any of Her Majesty's Courts of Record at *Dublin*, in which Action it shall be sufficient for the Plaintiff to declare that the Deceased was indebted to the Plaintiff for Money had and received to his Use for the Purposes of this Act, or that the Deceased died possessed of Money had and received for the Purposes of this Act, whereby an Action hath accrued to the Plaintiff to demand and have the same from such Executors or Administrators; and in all such Actions the Defendant or Defendants may plead in like Manner, and avail themselves of the like Matters in Defence, as in any Action founded upon Simple Contracts of the original Testator or Intestate; and the Court may refer the Account in dispute to be audited by any Officer or Person, and may proceed upon the Report of such Referee in like Manner as is herein-before mentioned; and in all Actions to be brought as well as in all Proceedings whatsoever to be instituted or carried on by any Collector General by virtue of this Act, Proof of his acting in the Execution of the Office of Collector General shall be sufficient Evidence of his holding such Office, unless the contrary shall be shown in Evidence by the Defendants in such Actions, or the Parties against whom such Proceedings shall be instituted or carried on.

Collector General to be indemnified for Acts done in the Execution of his Office.

VI. And be it enacted, That the Collector General, his Heirs, Executors, and Administrators, shall be indemnified, out of the Rates and other Monies coming to the Hands of the Collector General by virtue of this Act, for all Payments made or Liability incurred in respect of any Acts which he may do, and for all Losses, Costs, and

and Damages which he may incur in the due Execution of the Powers hereby granted to him.

Lord Lieutenant in Council to make Rules and Regulations for the Collector General's Office.

VII. And be it enacted, That it shall and may be lawful for the Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in *Ireland*, to make such Rules and Regulations for the Government of the said Collector General, and of such Clerks, Collectors, and other Officers as shall be appointed and employed to assist in the Execution of this Act, as the said Lord Lieutenant, with the Advice of the said Privy Council, shall think fit; provided that such Rules and Regulations shall not be repugnant to any Law now in force in that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, or inconsistent with the Provisions of this Act.

Salary of Collector General.

VIII. And be it enacted, That it shall be lawful for the said Lord Lieutenant to allow such Collector General a Salary not exceeding the Sum of Eight hundred Pounds by the Year, payable out of the Monies which he shall so receive; and the said Collector General shall not follow any Profession, Occupation, or Calling, but shall devote his entire Time to the Duties of his Office; and such Collector General for the Time being shall give such Security in such Sum as the said Lord Lieutenant shall direct, such Security to be for the faithful Performance of his Duty as such Collector General under this Act, and for the due Application, and for the Lodgment in the Bank of the Governor and Company of the Bank of *Ireland* once at least in each Week, of all Monies paid to him under this Act.

Collector General to open an Account in the Bank of Ireland.

IX. And be it enacted, That the said Collector General shall open an Account in the said Bank of *Ireland*, to be entitled "The Account of the Collector General of Rates in the City of *Dublin*," naming the Collector General for the Time being therein, and shall be governed, as to the Manner in which such Accounts shall be kept, prepared, and exhibited for Audit, and in every other respect where the same are not inconsistent with the Provisions of this Act, by such Rules and Regulations as shall be issued in that respect from Time to Time by the Lord Lieutenant with the Advice of the Privy Council aforesaid; and, in case the said Lord Lieutenant shall so direct, such Accounts shall be audited by the Officer who shall be from Time to Time by Warrant authorized by the said Lord Lieutenant to audit and declare the Accounts of the several Treasurers of Counties and Counties of Cities and Towns, under and by virtue of the Provisions of an Act passed in the First Year of the Reign of Her present Majesty, intituled *An Act to provide more effectual Means to make Treasurers of Counties and Counties of Cities in* Ireland *account for public Monies, and to secure the same*, or of any Act or Acts amending the same.

7 W. 4. & 1 Vict. c. 54.

X. And

X. And be it enacted, That the said Governor and Company of the Bank of *Ireland* shall and they are hereby required to open and keep an Account for each of the Bodies Politic or Corporate, Boards, Commissioners, or Persons herein-after mentioned, in the Name of such Treasurer, Receiver, or Officer as such Bodies Politic or Corporate, Boards, Commissioners, or Persons shall respectively direct, and shall at all Times give to the said Collector General, or to such Bodies Politic or Corporate, Boards, Commissioners, or Persons, or to any Person so appointed to inspect and audit such Accounts, Copies of every such Account, as well as the Account of the said Collector General: Provided always, that the opening of any such Account as aforesaid shall not authorize or empower the said Governor and Company of the Bank of *Ireland* to pay out to any such Bodies Politic or Corporate, Boards, Commissioners, or Persons, or to the said Collector General, any Sums of Money lodged with them, without the proper Voucher or Authority which they are now or may hereafter be by Law directed to require.

Bank of Ireland to keep a separate Account for each Tax, &c.

XI. And be it enacted, That any Draft or Order for Money drawn upon the said Governor and Company of said Bank of *Ireland*, for the Purposes of the Bodies Politic or Corporate, Boards, Commissioners, or Persons, for whom any Rates shall be collected under the Provisions of this Act, shall be signed by such Treasurer, Receiver, or Officer, or in such Manner as such Bodies Politic or Corporate, Boards, Commissioners, or Persons, shall direct; and such Drafts and Orders so drawn, but not otherwise, shall be a sufficient Authority to said Governor and Company of the Bank of *Ireland* to pay the Amount thereof to the Persons named therein.

Drafts on Bank of Ireland by the Boards, &c. for whom Money collected shall be paid by Bank.

XII. And be it enacted, That the Lord Lieutenant may retain for the Purposes of this Act such Clerks, Collectors, and other Officers employed by the said Bodies Politic or Corporate, Boards, Commissioners, or Persons, at the Commencement of this Act, as he shall think fit, and from Time to Time appoint and employ such Clerks, Collectors, and all such other Officers to assist in the Execution of this Act as he shall think necessary and proper, and from Time to Time remove any such Officers, and appoint others in the Room of such as shall be so removed, or may die, or resign or discontinue their Offices, and shall, out of the Monies to be collected and levied under the Provisions of this Act, direct such Salaries and Allowances to be paid to the said Officers respectively as he shall think reasonable: Provided always, that no Clerk, Collector, or other Officer employed in the Police Department of the District of *Dublin* Metropolis, and whose Office shall be abolished or rendered unnecessary by the passing of this Act, shall be so retained or employed without his Consent; and provided also,

Power to Lord Lieutenant to appoint Officers and Collectors, and remove them, from Time to Time.

also, that before any such Officer is so retained or appointed the Collector General shall certify under his Hand to the Lord Lieutenant the Fitness of such Person to discharge the Duties of his Office; and that any Collector appointed and employed under the Provisions herein contained shall be paid by such Poundage Rate upon the Sums collected by him under the Provisions of this Act, or by such Salary, as the Lord Lieutenant shall think fit.

Security to be taken from Officers intrusted with Money.

XIII. And be it enacted, That before any Person, whether Collector or other Officer, intrusted by the Collector General with the Custody or Control of Monies by virtue of his Office, shall enter upon such Office, the Collector General shall take sufficient Security, subject to the Approval of the Lord Lieutenant, from him, for the faithful Execution thereof.

Collectors to pay over Money into the Bank of Ireland.

XIV. And be it enacted, That every Collector appointed or employed by virtue of this Act to collect any Rates shall pay over the same to the Governor and Company of the Bank of *Ireland* on the Day or Days in each Week appointed by the Collector General for such Purpose, to be placed to the Account of the Collector General of Rates in the City of *Dublin* herein-after mentioned; and the Receipt of such Governor and Company for the Monies so paid shall be a sufficient Discharge to the Collector; and every such Collector shall, in such Time and in such Manner as the Collector General shall direct, deliver to him true and perfect Accounts in Writing under his Hand of all Monies received by him, and of all Monies paid by him to the said Governor and Company of the Bank of *Ireland*, by virtue of this Act, and also a List of the Names of all Persons who have neglected or refused to pay any Rate or Money owing by them, with a Statement of the Monies due from them respectively.

Collector General to audit Books of Collectors once a Week or oftener.

XV. And be it enacted, That such Collector General, or such other Person as may be appointed by him for such Purpose, shall, once or oftener in each Week, audit and examine the Accounts of each Collector, and shall thereupon lodge with the said Governor and Company of the Bank of *Ireland* a Certificate stating the Amount of Money lodged by each Collector or other Person on his Behalf in the preceding Week, and the Proportions and Shares in which the same is to be allocated and credited by the said Governor and Company to the Use and Account of each of the said Bodies Politic or Corporate, Boards, Commissioners, or Persons, for whom an Account shall be opened as herein directed.

XVI. And

XVI. And be it enacted, That the Collector General shall, at all reasonable Times, permit the Bodies Politic or Corporate, Boards, Commissioners, or Persons, for whom any Rates shall be collected by the said Collector General, or any Persons authorized on their Behalf, to inspect the Books of Account in his Office relating to the Rates or Taxes collected by him, and to take Extracts therefrom, without paying anything for the same.

Books of Collector General to be open to Inspection of Boards, &c.

XVII. And be it enacted, That if the said Collector General, or any Officer or other Person employed under the Provisions of this Act, shall exact or accept, on account of anything done by virtue of his Office, or in relation to the Matters to be done under this Act, any Fee or Reward whatsoever, other than the Salary or Allowances payable to him or them under the Provisions of this Act, or shall be in anywise concerned or interested in any Bargain or Contract made by virtue of this Act, such Collector General, Officer, or Collector shall be incapable of being afterwards employed under this Act, and shall also forfeit a Sum equal to Treble the Amount of any Fee, Reward, or Benefit so received by him, or shall forfeit the Sum of One hundred Pounds, whichever shall be sued for by any Person, by Action of Debt or on the Case, in any of the Superior Courts, and such Person suing for the same shall on Recovery thereof be entitled to full Costs of Suit.

Collector General or Officers taking Fees other than those allowed, to lose his or their Office or Offices, and forfeit 100*l.*

XVIII. And be it enacted, That no Servant or Person in the private Service or Employment of the said Collector General or other Officer shall be capable of being employed or concerned in, or of receiving any Salary or Allowance, Fee or Reward, for or on account of any Matter or Thing to be done under or in pursuance of this Act; and such Collector General or other Officer who shall so employ any such Servant or Person, and pay to him any Salary, Allowance, Fee, or Reward, for the Purposes aforesaid, shall for every such Offence forfeit the Sum of One hundred Pounds, to be sued for and recovered in like Manner as herein last before mentioned, and shall also be incapable of being employed under this Act.

No Person in Collector General's private Service to be employed herein.

XIX. And be it enacted, That if any Collector or other Officer fail to render such Accounts as aforesaid, or to produce and deliver up all the Vouchers and Receipts relating to the same in his Possession or Power, or to pay the Balance thereof, if any, when thereunto required, or if for Five Days after being thereunto required he fail to deliver up to the Collector General, or to any Person appointed by him to receive the same, all Papers and Writings, Property, Effects, Matters, and Things, in his Possession or Power, relating to the Execution of this Act, or belonging to the Collector General, then, on Complaint thereof

Summary Remedy against Officers failing to account.

thereof being made to a Justice, such Justice shall summon such Officer to appear before him, at a Time and Place to be set forth in such Summons, to answer such Charge; and upon the Appearance of such Officer, or upon Proof that such Summons was personally served upon him or left at his last known Place of Abode, such Justice may hear and determine the Matter in a summary Way, and may adjust and declare the Balance owing by such Officer; and if it appear, either upon Confession of such Officer, or upon Evidence, or upon Inspection of the Account, that any Monies of the Collector General are in the Hands of such Officer, or owing by him to the Collector General, such Justice may order such Officer to pay the same, and if he fail to pay the Amount it shall be lawful for such Justice to grant a Warrant to levy the same by Distress and Sale, or in default thereof to commit the Offender to Gaol, there to remain without Bail for a Period not exceeding Three Months, unless the same be sooner paid.

Officers refusing to make out Account, and deliver up Documents, &c., may be committed to Prison.

XX. And be it enacted, That if any such Officer summoned as aforesaid refuse to make out such Account in Writing, or to produce and deliver to the Justice the several Vouchers and Receipts relating thereto, or to deliver up any Books, Papers, or Writings, Property, Effects, Matters, or Things, in his Possession or Power, belonging to the Collector General, such Justice may commit such Offender to Gaol, there to remain until he shall have delivered up all the Vouchers and Receipts in his Possession or Power relating to such Accounts, and all the Books, Papers, Writings, Property, Effects, Matters, and Things in his Possession or Power belonging to the Collector General.

Where Officer about to abscond, a Warrant may be issued in the first instance.

XXI. Provided always, and be it enacted, That if the Collector General, or other Person acting on behalf of the Collector General, shall make Oath that he has good Reason to believe, upon Grounds to be stated in his Deposition, and that he does believe, that it is the Intention of any such Officer as aforesaid to abscond, the Justice before whom the Complaint is made may, instead of issuing his Summons, issue his Warrant for bringing such Officer before him; but no Person executing such Warrant shall keep such Officer in Custody longer than Twenty-four Hours, without bringing him before the said Justice; and such Justice may either discharge such Officer, if he think there is no sufficient Ground for his Detention, or order such Officer to be detained in Custody so as to be brought before Two Justices at a Time and Place to be named in such Order, unless such Officer give Bail, to the Satisfaction of such Justice, for his Appearance before such Justice to answer the Complaint of the Collector General.

XXII. And

XXII. And be it enacted, That no such Proceeding against or Dealing with any such Officer as aforesaid shall deprive the Collector General of any Remedy which he might otherwise have against any Surety of such Officer.

Proceedings against Officers not to discharge Sureties.

XXIII. And be it enacted, That if in any Court, either of Law or Equity, or any Action, Suit, Indictment, Information, or Proceeding whatsoever therein, any Question shall arise concerning the Right of the said Collector General, or Officer or Collector, to hold, exercise, or enjoy his said Office, it shall be sufficient to prove that such Collector General, or Officer or Collector, was at the Time in question commonly reputed to be such Collector General, Officer or Collector, respectively, without proving his Warrant or Commission, and without giving any Evidence that he had performed any of the Requisites which are or may be prescribed by Law to entitle him to execute the said Office.

What shall be Evidence of Appointment of Officers in any Suit or Action.

XXIV. And be it enacted, That it shall not be lawful for any Collector General appointed by virtue of this Act, or for any Officer or Servant of the said Collector General employed for the Purposes of this Act, to be a Member of Parliament, or to vote or to take any Part or to act in any Manner at any Election of a Member or Members to serve in Parliament for the City of *Dublin*, otherwise than as he by Law may be required to do in his official Capacity; and in case any such Collector General shall take any Part or act in any Manner at any such Election, save as aforesaid, he shall forfeit and pay for every such Offence the Sum of Three hundred Pounds; and in case any Officer or Servant of the said Collector General shall, save as aforesaid, take any Part at such Election, he shall forfeit and pay for every such Offence a Sum of One hundred Pounds; which said several Penalties shall be paid to any Person who may sue for the same respectively, for his own Use and Benefit, and may be recovered by any such Person by Action of Debt, Bill, Plaint, or Information in any of Her Majesty's Superior Courts in *Ireland*.

Collector General and other Officers prohibited from taking any Part at Elections.

XXV. And be it enacted, That it shall be lawful for the said Collector General, with the Consent of the Lord Lieutenant, to take or contract for One or more Houses or Offices in the said City of *Dublin*, or the Lord Lieutenant may appoint and appropriate any Portion of any public Building, or Building used for public Purposes, therein, for the Purposes of the same being made and constituted into an Office or Offices for the Payment of Taxes in such City; and that the Rents and Taxes chargeable thereon, and all Expenses attending the Repairs thereof, and the providing necessary Accommodation and Books and

Power to Collector General, with Consent of Lord Lieutenant, to rent an Office for Payment of Taxes.

Stationery therein, shall be paid out of the Funds received under the Provisions of this Act.

Collector General to transmit an Account of Money collected weekly to the Boards, &c.

XXVI. And be it enacted, That the said Collector General shall once in every Week transmit to the proper Officer belonging to each of the Bodies Politic or Corporate, Boards, Commissioners, or Persons aforesaid, an Account showing the Amount of the Sums of Money which he shall have collected and received on account of such Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively.

Expenses of Management not to exceed Two and a Half per Cent. upon Amount collected.

XXVII. And be it enacted, That the Expenses of the Management of the Office of the Collector General, including Salaries, Poundage, Rent of Office, Taxes, and all other incidental Expenses attending the same, shall not exceed Two Pounds and Ten Shillings *per Centum* upon the total Amount of Monies collected by the said Collector General.

Expenses of Management, how paid.

XXVIII. And be it enacted, That the Expenses incurred in applotting, collecting, levying, and recovering the said Rates, and of the Management of the Office of Collector General, together with the Rent of Offices, and all Taxes connected therewith, and other incidental Expenses, shall be paid by the said Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively, in proportion to the Sums collected for them; and an Account of such Expenses shall every Three Months be transmitted to such Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively, who shall forthwith pay the same to the Governor and Company of the Bank of *Ireland*, to be placed to the Credit of the said Collector General; and in case any of the said Bodies Politic or Corporate, Boards, Commissioners, or Persons, shall for the Period of Ten Days neglect or refuse to pay the Proportion of such Expenses as specified in the Account so transmitted to them respectively, the said Collector General shall and he is hereby authorized to deduct the Amount of such Accounts respectively out of any Monies standing to his Credit at the Bank of *Ireland*, and applicable to the Purposes of such of the said Bodies Politic or Corporate, Boards, Commissioners, or Persons, making Default as aforesaid.

Limits of Act.

XXIX. And be it enacted, That the Limits of this Act for the Collection of the Poor Rates, Borough Rates, Improvement Rates, Sewer Rates, Grand Jury Cess, and Pipe-water Rates or Rents, shall be the Municipal District of *Dublin* as defined by an Act passed in the Third Year of the Reign of Her present Majesty, intituled *An Act for the*

3 & 4 Vict. c. 108.

*the Regulation of the Municipal Corporations in* Ireland; and the Limits of this Act for the Collection of the Police Rates shall be the District of *Dublin* Metropolis as defined or authorized to be defined by an Act of the Sixth and Seventh Years of the Reign of King *William* the Fourth, intituled *An Act for improving the Police in the District of* Dublin *Metropolis*, and any other Act amending the same. 6 & 7 W. 4. c. 29.

XXX. And be it enacted, That the Justices of the Peace for the District of *Dublin* Metropolis appointed under an Act passed in the Sixth and Seventh Years of the Reign of His Majesty King *William* the Fourth, intituled *An Act for improving the Police in the District of* Dublin *Metropolis*, and other Acts amending the same, shall, on or before the Tenth Day of *December* One thousand eight hundred and fifty, and on the Tenth Day of *December* in every succeeding Year, estimate and ascertain, as nearly as may be, the Amount of the Sums of Money which they shall find necessary for the Maintenance of the Police Force thereof, and for the several Purposes of the said Act, and of any Act or Acts amending the same, for Twelve Months next following the First Day of *January* in each Year; and such Justices, or One of them, shall sign and certify such Estimate, and transmit the same, on or before the said Tenth Day of *December* One thousand eight hundred and fifty, and on or before the Tenth Day of *December* in every succeeding Year, to the said Collector General; and the said Collector General shall be and is hereby authorized and required, on and after the said First Day of *January*, to applot, levy, and collect the Money therein mentioned in the Manner and subject to the Rules and Regulations in this Act contained respecting the applotting, levying, collecting, and recovering of the several other Rates herein mentioned: Provided always, that the Amount of such Portion of such Estimate as is empowered or required to be raised and levied by any Rate under the said Acts and this Act, or any of them, shall not exceed the Amount or Sum which the said Justices, under the said Acts or any of them, would have been entitled to raise and levy by any Rate or Assessment under the said Acts or any of them if this Act had not been passed.

Justices of Peace, on or before the 10th Day of December 1850, and in every succeeding Year, to estimate Police Expenditure for a Year from the 1st of January following;

not to exceed the Amount they are now empowered to levy.

XXXI. And be it enacted, That any Police Rate which shall have been assessed before the Tenth Day of *December* One thousand eight hundred and fifty shall, notwithstanding anything herein contained, be collected, levied, paid, received, and accounted for as if this Act had not been passed: Provided always, that the said Justices shall and they are hereby required, on or before the said Tenth Day of *December* One thousand eight hundred and fifty, to transmit to the said Collector General a true and particular Account of all Arrears of any such

Particulars of Police Rate Arrears are to be given to Collector General.

such Rate which shall then remain due and uncollected upon any Buildings, Tenements, Hereditaments, or Persons respectively liable thereto, together with the particular Sums remaining due upon each such Building, Tenement, Hereditament, or Person, and shall, under their Hands and Seals, certify such Amount to be correct; and thereupon such Account shall be *primâ facie* Evidence that the said Arrears are due and owing by and of the Parties and Persons in such Account respectively mentioned; and such Arrears shall thereupon vest and the same are hereby vested in such Collector General, who shall thereupon be entitled and is hereby empowered to recover, levy, and raise, in his own Name, all such Arrears, from every Person therein mentioned, by all the Ways and Means herein given to or conferred upon such Collector General for the Recovery of any Rate directed to be levied or collected under the Provisions of this Act: Provided also, that from and after such Tenth Day of *December* One thousand eight hundred and fifty it shall not be lawful for any such Collectors or other Officers appointed by such Justices to receive any Portion of the Arrears so certified as aforesaid; but nothing herein contained shall in anywise lessen or affect the Liability or Duty of any Collector or other Officer, or the Sureties of such Collectors or other Officers, to collect, account for, or make good any such Rate, Tax, or Assessment, or to answer for any Default, under the Provisions of the said Acts for the Maintenance of the Police in such District, which shall have occurred or been committed previous to but not after the said Tenth Day of *December* One thousand eight hundred and fifty.

who is to collect them.

After 10th December 1850 old Collectors not to receive any more Rate, but liable for Default prior to 10th December.

XXXII. And be it enacted, That the Board of Guardians in each Union or Part of a Union situate within the City of *Dublin* shall, on or before the Tenth Day of *December* One thousand eight hundred and fifty, and on or before the Tenth Day of *December* in every succeeding Year, estimate and ascertain, as nearly as may be, the Amount of the Sums of Money chargeable upon any Electoral Division situate or comprised within the Districts aforesaid which they shall find necessary for the Relief of the Poor under the Provisions of an Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, or of any Act or Acts amending the same, for Twelve Months next following the First Day of *January* in each Year, and each such Board of Guardians shall certify such Estimate, and transmit the same, on or before the said Tenth Day of *December* One thousand eight hundred and fifty, and on or before the Tenth Day of *December* in every succeeding Year, to the Office of the said Collector General, and the said Collector General is hereby authorized and required to applot, collect, and levy the same, in his own

Board of Guardians on or before the 10th December 1850, and in every succeeding Year, to estimate Expenditure for a Year from the 1st January following. 1 & 2 Vict. c. 56.

To transmit same to Collector General, who is empowered to levy and collect same.

own Name, upon all Lands and Houses liable to the Payment of the same, in the Manner and subject to the Rules and Conditions in this Act contained respecting the applotting, levying, collecting, and recovering of the several other Rates herein mentioned: Provided always, that every Rate for the Relief of the Poor, made and declared before the Tenth Day of *December* One thousand eight hundred and fifty, shall be collected, levied, and received as if this Act had not been passed.

Poor Rate made before this Act to be levied as heretofore.

XXXIII. And be it enacted, That on or before the said Tenth Day of *December* One thousand eight hundred and fifty the said Guardians shall transmit to the said Collector General a true and particular Account of all Arrears of any such Rate then remaining due and uncollected, and shall certify the same to such Collector General, who shall thereupon be entitled, in his own Name, to receive, levy, and collect the said Arrears by all the Ways and Means given to him to collect any Rate under this Act: Provided always, that no Collector appointed to collect and receive such Rate as aforesaid shall be entitled or empowered to receive the same after the said Tenth Day of *December*; and such Collectors and their Sureties, notwithstanding anything herein contained, shall be and shall remain liable to make good any Default in such Collection which shall have occurred or been committed before the said Tenth Day of *December*.

On 10th December 1850 a List of Arrears to be sent to Collector General.

Old Collectors not to receive any Rate after 10th December, but liable for Default prior to 10th December.

XXXIV. And be it enacted, That nothing in this Act contained shall interfere with or prevent the Board of Guardians in each Union as aforesaid from transmitting at any Time an Estimate to the said Collector General of any additional Sum which they may require for the Relief of the Poor under the Provisions of the said recited Act or Acts, specifying the Amount thereof, and the Occupiers of rateable Hereditaments or other Persons liable to pay the same, and such Collector General shall upon Receipt thereof proceed to collect and recover the same in manner herein-before mentioned in respect to the said annual Rate.

Not to interfere with Board of Guardians making supplemental Estimates of Rates.

XXXV. And whereas, under an Act passed in the Parliament of *Ireland* in the Fifteenth and Sixteenth Years of the Reign of His Majesty King *George* the Third, intituled *An Act for the better regulating of the Pipe Water of the City of* Dublin, and by another Act passed in the said Parliament in the Nineteenth and Twentieth Years of the Reign of His said Majesty, intituled *An Act for explaining and amending an Act passed in the Fifteenth and Sixteenth Years of the Reign of King* George *the Third, intituled* '*An Act for the better regulating of the Pipe Water of the City* '*of* Dublin,' and by another Act passed in the Forty-second Year of

Pipe Water.

15 & 16 G. 3. (I.)

19 & 20 G. 3. (I.)

42 G. 3. c. 92. of the Reign of His said Majesty, intituled *An Act for amending, altering, and extending the Powers of the several Acts of Parliament now in force for supplying the City of* Dublin *with Water, and for making better Provision for that Purpose*, and by another Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for the more equal Applotment of certain Rates in the County of the City of* Dublin *and County of* Dublin *respectively*, and by another Act passed in the Eighth and Ninth Years of the Reign of Her said present Majesty, intituled *An Act to amend the Acts for regulating Pipe Water of the City of* Dublin, *and to enable the Lord Mayor, Aldermen, and Burgesses of the Borough of the City of* Dublin *to extend the Supply of Pipe Water to the several Parishes or Portions of Parishes situate in the City and County of* Dublin, *and adjoining to the Borough of the said City of* Dublin, *but outside the Boundary thereof*, certain Rents and Powers were given to the Lord Mayor, Aldermen, and Burgesses of the City of *Dublin*, for effecting the several Purposes therein mentioned: And whereas it is expedient that the said Rents should be levied and collected by the Collector General appointed by this Act: Be it enacted, That the said Lord Mayor, Aldermen, and Burgesses of *Dublin* shall, on or before the Tenth Day of *December* One thousand eight hundred and fifty, make out a true and perfect Rental or Account of all the Houses, Tenements, and Premises which under the said recited Acts or any of them may be chargeable with the said Rent or Rate, from the Twenty-fourth Day of *June* One thousand eight hundred and fifty to the Twenty-fourth Day of *June* One thousand eight hundred and fifty-one, and all Arrears of such Rent or Rate then due upon the said Houses, Tenements, and Premises, specifying whether any and which of them are insolvent Arrears, and a further List or Account of all and every the Houses, Tenements, or Premises (if any) which have not been given in charge for Collection; and the Town Clerk and Treasurer of the said Lord Mayor, Aldermen, and Burgesses of *Dublin* from Time to Time shall and they are hereby required respectively to verify and attest such Rental, List, or Account, and to transmit the same, when so verified and attested, within the Time aforesaid, to the said Collector General, and the said Lord Mayor, Aldermen, and Burgesses shall, on or before the Tenth Day of *December* One thousand eight hundred and fifty-one, in like Manner attest and certify any Additions to or Alterations in the said Rental, List, or Account for the Period between the Twenty-fourth Day of *June* One thousand eight hundred and fifty-one and the First Day of *January* One thousand eight hundred and fifty-two, and shall also, on or before the said Tenth Day of *December* One thousand eight hundred and fifty-one, and on or before the Tenth Day of *December* in every succeeding Year, in like Manner attest

6 & 7 Vict. c. cii.

8 & 9 Vict. c. cxciii.

A Rental or Schedule of Rents to be made out.

Particulars, &c.

To be verified by the Treasurer and Town Clerk of Corporation of Dublin, and given to Collector General for Collection.

attest and certify any Additions to or Alterations in the said Rental, List, or Account for the Period of Twelve Months from the First Day of *January* then next following, and transmit the same to the said Collector General, who shall accordingly amend and act upon the same: Provided also, that from and after the Tenth Day of *December* One thousand eight hundred and fifty it shall not be lawful for any such Collectors or other Officers appointed by such Lord Mayor, Aldermen, and Burgesses, to receive any Portion of the Arrears so certified as aforesaid; but nothing herein contained shall in anywise lessen or affect the Liability or Duty of any Collector or other Officer, or the Sureties of such Collectors or other Officers, to collect, account for, or make good any such Rent or Rate, or to answer for any Default, under the Provisions of the said recited Acts relating to the Pipe-water Rent or Rate, which shall have accrued or been committed previous to but not after the said Tenth Day of *December*.

After 10th December 1850, Collectors not to receive any more Rate, but liable for Default prior to 10th December.

XXXVI. And be it enacted, That from and after the said Tenth Day of *December* One thousand eight hundred and fifty the said Pipe-water Rent or Rate, and all Arrears thereof, shall become payable at the same Times, and be advertised and collected subject to the same Regulations, and in like Manner, and by the same Persons, and with the same Powers for levying or collecting the same, and lodging and publishing Accounts, as is herein directed with reference to the advertising, Payment, Collection, Lodgment, and Publication of the Accounts, and shall be subject to the like Incidents of and with any other Rate herein mentioned, and shall not be levied or collected or lodged in any other Manner or by any other Persons, any Law, Statute, or Usage to the contrary in anywise notwithstanding: Provided always, that nothing herein contained shall be construed to confirm, weaken, invalidate, alter, or in anywise affect the Right or Title of the said Lord Mayor, Aldermen, and Burgesses of *Dublin* in and to the said Pipe-water Rent or Rate, or the Liability or Exemption of any Person to or from Payment of the same.

Pipe water Rent to be collected as other Rates.

XXXVII. And be it enacted, That the Lord Mayor, Aldermen, and Burgesses of *Dublin*, when and as often as they shall make a Borough Rate under the Provisions of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, or any Act or Acts amending the same, shall, on or before the Tenth Day of *December* One thousand eight hundred and fifty, and on or before the Tenth Day of *December* in each succeeding Year, estimate and ascertain, as nearly as may be, the Amount of the Sums of Money on account of such Borough Rate which they shall find necessary for the Purposes of the said recited Act, and of any Act or Acts amending the

Borough Rate to be collected by Collector General.

3 & 4 Vict. c. 108

the same, for Twelve Months next following the First Day of *January* in each Year; and the said Collector General shall be and is hereby authorized and required, on and after such First Day of *January*, to applot, levy, and collect the Money therein mentioned according thereto, in the Manner and subject to the Rules and Regulations in this Act contained respecting the applotting, levying, collecting, and recovering of the several other Rates herein mentioned; provided always, that the Amount of such Portion of such Estimate as is empowered or required to be raised and levied by any Rate under the said recited Act, or any Act amending the same, and this Act, or any of them, shall not exceed the Amount or Sum which the said Lord Mayor, Aldermen, and Burgesses, under the said recited Act, or any Act amending the same, would have been entitled to raise and levy by any Rate or Assessment under the said recited Act, or any Act amending the same, if this Act had not been passed; and such Lord Mayor, Aldermen, and Burgesses shall certify such Estimate as aforesaid under their Common Seal, and transmit the same, on or before the said Tenth Day of *December* in each Year as aforesaid, to the Office of the said Collector General.

Lord Mayor, &c. of Dublin, on or before 10th February 1851, and on the 10th December in that and in every succeeding Year, to estimate Amount of ensuing Year's Expenditure in respect to Improvement Rate.

XXXVIII. And whereas a Bill is now pending in Parliament, intituled *An Act for the Improvement of the City of* Dublin, by which Bill it is intended, among other things, to repeal certain Acts therein mentioned, so far as they relate to the paving, lighting, cleansing, widening, and improving of the Streets and Thoroughfares within the Borough of *Dublin*, and to vest all necessary Powers for those and other Purposes in the Lord Mayor, Aldermen, and Burgesses of *Dublin*: And whereas it is expedient that all Rates which may be authorized to be made, assessed, and levied under the Powers of the said intended Act should be applotted, levied, and collected by the said Collector General: Be it therefore enacted, That in case the said Bill shall pass into a Law the said Lord Mayor, Aldermen, and Burgesses shall and they are hereby required, on or before the Tenth Day of *February* One thousand eight hundred and fifty-one, to estimate and ascertain, as nearly as may be, the Amount of the Sums of Money which they shall find necessary for the Purposes of the Improvement Rate mentioned in the said intended Act, for Twelve Months from the First Day of *January* then last past; and the said Lord Mayor, Aldermen, and Burgesses shall and they are hereby required, on or before the Tenth Day of *December* One thousand eight hundred and fifty-one, and on or before the Tenth Day of *December* in every succeeding Year, to estimate and ascertain, as nearly as may be, the Amount of the Sums of Money which they shall find necessary for the said Improvement Rate, for Twelve Months from the First Day of

of *January* then next ensuing; provided always, that the Amount of such Estimate shall not exceed the Amount or Sum which the said Lord Mayor, Aldermen, and Burgesses would by any Rate or Assessment under the said intended Act have been entitled to raise and levy if this Act had not been passed; and the said Lord Mayor, Aldermen, and Burgesses shall certify under their Seal such Estimate, and transmit the same, on or before the respective Dates herein-before mentioned, to the said Collector General as aforesaid, together with all necessary Information to enable the Collector General to applot, collect, and levy the same; and such Collector General is hereby empowered and required to applot, collect, and levy the same, in his own Name, upon all Lands and Houses liable to the Payment of the same under the Provisions of the said intended Act, in like Manner as he is authorized to collect and levy any other Rate under the Provisions of this Act.

Lord Mayor to send Particulars of Arrears to Collector General before 10th of February 1851,

XXXIX. And be it enacted, That on or before the said Tenth Day of *February* One thousand eight hundred and fifty-one the said Lord Mayor, Aldermen, and Burgesses shall transmit to the said Collector General a true and particular Account of any Paving, Lighting, and Cleansing Rates then remaining due and uncollected which shall be vested in the said Lord Mayor, Aldermen, and Burgesses under the Provisions of the said intended Act, and the said Lord Mayor, Aldermen, and Burgesses shall in manner herein-before mentioned certify the same to such Collector General, who shall thereupon be entitled, in his own Name, to receive, collect, and levy the said Arrears, in like Manner as he is authorized to collect and levy any other Rate under the Provisions of this Act; provided always, that no Collector appointed to receive such Rates as aforesaid shall be entitled to receive the same after the said Tenth Day of *February*, and such Collectors and their Sureties, notwithstanding anything herein contained, shall remain liable to make good any Default in such Collection which shall have occurred or been committed before the said Tenth Day of *February*.

who is to collect them.

District Sewer Rate to be collected, and Estimates to be sent on the 10th December in each Year.

XL. And whereas by the said Bill it is intended that the said Lord Mayor, Aldermen, and Burgesses shall make and levy certain District Sewer Rates within the Borough of *Dublin*, for the Purposes of the said intended Act, and it is expedient that the said Rates should be collected and levied by the said Collector General: Be it enacted, That in case the said Bill shall pass into a Law the said Lord Mayor, Aldermen, and Burgesses of *Dublin* shall, on or before the Tenth Day of *December* in each Year next after any District Sewer Rate shall have been made under the Provisions therein contained, transmit to the said Collector General an Estimate,

 and

and ascertain, as nearly as may be, the Amount of the Sums of Money which may be required for Twelve Months from the First Day of *January* next following for the Purposes aforesaid, together with an Account of all the Houses, Tenements, and Hereditaments liable under the said intended Act to be assessed to the said District Sewer Rate; and such Lord Mayor, Aldermen, and Burgesses shall certify such Estimate as aforesaid, and shall transmit the same, on or before the said Tenth Day of *December* in each Year, to the said Collector General; and the said Collector General shall thereupon applot, collect, and levy the same, in like Manner as he is enabled to applot, collect, and levy any other Rate under the Provisions of this Act: Provided always, that the Amount of such District Sewer Rate shall not exceed the Amount and Sum which the said Lord Mayor, Aldermen, and Burgesses would have been authorized to raise and levy by any Rate or Assessment for the Purposes aforesaid under the said intended Act if this Act had not been passed.

Grand Jury Cess to be levied and collected by Collector General.

XLI. And whereas under the Provisions of the said intended Act the Fiscal Powers of the Sessions Grand Jury and Term Grand Jury for the County of the City of *Dublin* are transferred to and vested in the said Lord Mayor, Aldermen, and Burgesses, and it is expedient that the Collector General should applot and collect such Grand Jury Cess, or such Sums of Money as shall be presented by way or in lieu of or for the Purposes of such Grand Jury Cess: Be it therefore enacted, That the Treasurer of the Borough of *Dublin* shall, on or before the Tenth Day of *February* One thousand eight hundred and fifty-one, and on or before the Tenth Day of *December* in the same Year, and on or before the Tenth Day of *December* in every succeeding Year, transmit to the Collector General an Estimate specifying the Amount of all the Sums required to be raised by Presentment pursuant to the Provisions of the said intended Act; and such Collector General shall forthwith apportion or applot such Amount upon all Houses, Lands, or Tenements liable to the Payment of the same, and such Collector General shall proceed to collect, levy, and receive the same by all the Ways and Means by which he is empowered to collect and levy any Rate made under the Provisions of this Act, and shall lodge all Monies received thereunder in the Hands of the Governor and Company of the Bank of *Ireland*, in like Manner and subject to the like Incidents and Directions as any other Monies received under this Act.

Amount to be lodged in Bank of Ireland.

Arrears of Grand Jury Cess to be sent to Collector General.

XLII. And be it enacted, That the said Treasurer of the Borough of *Dublin* shall and he is hereby required, on or before the Tenth Day of *February* One thousand eight hundred and fifty-one, to transmit to the said Collector General a true and particular Account of

of all Arrears of any Grand Jury Cess which shall then remain due and uncollected upon any House, Land, Tenement, or Hereditament respectively liable thereto, together with the particular Sums remaining due on each such House, Land, Tenement, or Hereditament, and shall under his Hand and Seal certify such Amount, and thereupon such Account shall be *primâ facie* Evidence that the said Arrears are due and owing by the Parties and Persons in such Account respectively mentioned, and such Arrears shall thereupon vest and the same are hereby vested in the said Collector General, who shall thereupon be entitled and is hereby empowered to recover, levy, and raise, in his own Name, all such Rates and Taxes from every Person therein mentioned, in manner by this Act directed, and account for the same as herein-before mentioned.

After the 10th February 1851 old Collectors not to receive any more Rate.

XLIII. Provided always, and be it enacted, That from and after the said Tenth Day of *February* One thousand eight hundred and fifty-one it shall not be lawful for any Collectors or other Officers appointed to collect Grand Jury Cess to receive any Portion of the Arrears so certified as aforesaid; but nothing herein contained shall in anywise lessen or affect the Liability or Duty of any Collector, or his respective Sureties, to collect, account for, or make good any such Assessment, or to answer for any Default, under the Provisions of any Act or Acts authorizing or requiring the Collection of the same, which shall have occurred or been committed previous to the said Tenth Day of *February*.

Rates to be applotted according to Poor Law Valuation, except in certain Cases.

XLIV. And be it enacted, That from and after the Tenth Day of *December* One thousand eight hundred and fifty every Rate or Assessment to be at any Time assessed, levied, or collected under the Provisions of this Act shall be assessed and levied upon all and every the Houses, Buildings, Lands, Tenements, and Hereditaments, or Persons, liable to be rated and assessed to the same, equably according to the net annual Value thereof respectively as the same now are or shall from Time to Time be hereafter valued and rated under an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, or any Act or Acts amending the same: Provided always, that nothing herein contained shall extend to or affect the Provisions made by any Act or Acts authorizing the making of any Rate which is to be collected under this Act, as to the Mode of rating and assessing Colleges, Schools, Literary and Scientific Societies, Market Houses, Halls, Theatres, Storehouses, Storeyards, Docks, Courts of Law, and other public Buildings used for public Purposes, or

1 & 2 Vict. c. 56.

or the Grounds or Tenements thereto respectively adjoining or therewith occupied and enjoyed.

Supplemental Valuations.

XLV. And whereas certain Hereditaments by the herein-before recited Acts made chargeable for the Purposes of the said Acts respectively may not have been included in the Valuation made for the Purpose of Poor Rates, and it is expedient that any such Property should be valued in like Manner and upon the same Scale as that which is so rated: And whereas, in the Valuation made for the Purpose of Poor Rates, Dwelling Houses may be in certain Cases valued together with Property not comprehended in that Term, and a separate Valuation of such Dwelling Houses may be necessary for the Purpose of assessing the said Rates: Be it therefore enacted, That in all Cases of Property which is or shall be liable to the Payment of any Rate or Assessment to be collected under the Provisions of this Act, and which shall not be included in the Rate for the Relief of the Poor in the Union wherein the same may be situate, and in the Case of Dwelling Houses valued together with other Property, the Guardians of the Poor of such Union shall make and declare or cause to be made and declared separate Valuations of all or any such Property and Dwelling Houses situate in any Ward or Townland or other Denomination proper for that Purpose within the Union, in like Manner, and subject to the like Direction of the Poor Law Commissioners for the Time being, as by Law required and directed with respect to Hereditaments rated as aforesaid; and every such separate Valuation of Property not liable to be rated to the Relief of the Poor shall contain in a separate Column a Statement of the Ground of such Exemption; and all such separate Valuations, when made, shall be subject in all respects to the like Right of Appeal, Regulations, Additions, or Alterations, and shall be of like Force and Effect, under the Provisions of this Act, as any Valuation made for the Purposes of a Rate for the Relief of the Poor, as nearly as the Circumstances of the Case will admit.

Copies of Valuations.

XLVI. And be it enacted, That within Twenty-one Days after the Commencement of this Act the Clerk of the Guardians of the Poor of each Union in which any Property may be situated liable to be rated under the Provisions of this Act shall make out a true and perfect Copy of the then last made Rate for the Poor therein, and of such supplemental or separate Valuations as are herein-before directed to be made, or of so much of them or either of them as shall relate to any Property liable to the Rates and Assessments herein-before mentioned, or as shall be required by the said Collector General, or as shall relate to the Rates or Assessments to be by him collected under the

the Provisions of this Act, and shall deliver the same, attested and certified by him, to the said Collector General; and such Clerk as aforesaid, from Time to Time and as often as any Additions to or Alterations in the said Rate for the Relief of the Poor shall have been made, whether by Appeal or otherwise, shall, within Ten Days after such Rate and supplemental Valuation shall have been so added to or altered, make true and perfect Copies of such Additions or Alterations, and deliver the same, attested and certified by him, to the said Collector General.

Entry of Rate or certified Copy to be Evidence.

XLVII. And be it enacted, That the Entry of such Rate or supplemental Valuation, or, in the Absence of the Original, such attested and certified Copy of such Rate or supplemental Valuation, Addition, or Alteration as aforesaid, shall in all Cases be and be deemed and taken to be conclusive Evidence of all the Matters contained therein.

Collector General, upon receiving such yearly Estimates, to assess them according to the Valuation for Poor Rate.

XLVIII. And be it enacted, That such Collector General, upon receiving such yearly Estimates as aforesaid, shall, as soon as may be after the Receipt of the same, according to the several Amounts in such Estimates contained, make and declare the Poundage Rate to be levied in respect of each such Estimate upon all Premises, Tenements, and Hereditaments liable to be rated to the same, and in such Manner as is herein-before directed, and with the Exceptions, Additions, and Alterations herein-before mentioned; and such Estimates, so apportioned, and such Rate or Rates for each such Year as aforesaid, shall be due and payable in manner herein-after mentioned.

All Assessments to be entered in a Book; and separate Accounts kept.

XLIX. And be it enacted, That all such Rates shall be entered in a Book or Books, and signed by the said Collector General; and when the same shall have been entered and signed, and when Notice thereof shall have been given as herein-after mentioned, such Rates respectively shall be deemed and taken to be as good, valid, and effectual in Law as if the same had been made and ascertained by the Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively, who if this Act had not been passed would have been duly qualified to make the same, any Law, Statute, or Usage to the contrary in anywise notwithstanding; and correct and separate Accounts of every Rate or Rent which the said Collector General is hereby empowered to levy, collect, or receive shall be kept in sufficient Books for that Purpose.

Assessment not to be deemed erroneous by reason

L. And be it enacted, That any Rate made in pursuance of this Act shall not be deemed to be erroneous or liable to be quashed by

reason of exceeding or falling short of Estimate by any fractional Sum in the Pound.

reason of the entire Amount thereof respectively falling short of or exceeding the Amount of such Estimates respectively by any Sum not exceeding One Penny in the Pound upon such Valuation as aforesaid.

Rate payable by Instalments, if Collector General shall so determine.

LI. And be it enacted, That every such Rate to be collected and levied by virtue of this Act shall be collected and paid by Instalments, in case the Collector General shall so think fit.

Public Notice of the Rate to be given.

LII. And be it enacted, That the said Collector General, so soon as may be after he shall have received such Estimate as aforesaid, shall give Notice thereof by Advertisement once in the *Dublin Gazette* and in Two other public Newspapers published in the City of *Dublin*, stating the Amount of such Estimates respectively, and of the Poundage upon the yearly Value of rated Property in respect of each Rate for the current Year, and in case the said Collector General shall determine that the said Rates shall be paid by Instalments, stating the Days upon which the Instalments of such Rate will become payable, and from and after such Publication as aforesaid the said Rates shall be and be deemed to be due and payable.

Demand of Rate to be made.

LIII. And be it enacted, That before any Rate shall be or be deemed due for the Purpose of enforcing the same by Distress or otherwise, a Demand thereof shall be made, by leaving at each House, Tenement, or Hereditament rated under the Provisions of this Act, or from which any Rate is to be collected and levied under the Powers and Authorities herein contained, a Notice in Writing, which shall contain the Valuation of such House, Tenement, or Hereditament as the same stands rated in the Valuation for the Poor's Rate, the Poundage Rate made thereon for each such Rate, and the Amount thereof respectively, together with the whole Amount charged upon or claimed from such House, Tenement, or Hereditament, and, in case the same shall be payable by Instalments, the Days upon which the Instalments of such Rate will become payable; and such Notice shall have the Collector's Name at Foot thereof, and shall be as near as may be in the Form in the Schedule (B.) to this Act annexed; and a Receipt from any Collector appointed to receive the same shall be a sufficient Acquittance to the Occupier, Owner, or Person liable to pay such Rate as aforesaid, for all Purposes whatsoever.

Particulars of Notice.

Rates on public Buildings to be paid by principal Officer.

LIV. And be it enacted, That the Rate or Rates so to be collected or levied on any public Building shall be paid by the principal Officer belonging to such public Building, or by the Proprietor thereof, and shall be recovered by all or any of the Remedies, Ways, and Means herein-after mentioned.

LV. And

LV. And be it enacted, That no Collector of any Rates to be levied or collected by virtue of this Act shall be permitted to discharge himself in his Accounts, or be excused for not collecting any Rates or Money which he shall have been charged to collect, upon the Ground of the Premises chargeable therewith being insolvent, unless such Premises shall have been previously personally visited and inspected by the said Collector General, or by some Person (not being a Collector) appointed for that Purpose by the said Collector General, and unless such Person, after such Inspection, and after he shall have made all due Inquiry as to the possible Means of enforcing Payment of the Rate due in respect of said Premises, shall report to the said Collector General that he has personally inspected such Premises, and made such Inquiry as aforesaid, and that he believes such Premises to be insolvent, and that there are no Means to which such Collector could successfully resort for enforcing Payment thereof, and unless the said Collector General shall be satisfied that the Loss of such Rate has not been occasioned by any Default or Want of due Diligence on the Part of such Collector.

Collectors not to be discharged by a Return of insolvent Arrear until after personal Inspection of the Premises by Collector General.

LVI. And be it enacted, That the said Collector General shall make out half-yearly, at such Time as shall be fixed by the Lord Lieutenant, for each such Bodies Politic or Corporate, Boards, Commissioners; or Persons, a true and correct Account of the entire Sum rated or notified for Collection by him at the Commencement of the preceding Year, and the whole Amount received by him during the past Year, and the Amount paid by him to each such Bodies Politic or Corporate, Boards, Commissioners, or Persons, and the Date thereof, and the Amount of each Rate remaining uncollected in each such Ward or Electoral Division, or Portion thereof, and the Amount thereof supposed to be insolvent, and the Description of the Premises deemed by the said Collector General to be insolvent, together with the Names of the Persons respectively rated for the same, together with the Charges, Salaries, Poundage, and Expenses of the said Office for receiving Rates, specifying the Items thereof, and the Amount which has been received by him on account thereof; and the said Collector General shall within Ten Days thereafter post in some conspicuous Place in the Office of the said Collector General Lists of the said Premises so deemed to be insolvent, together with the Description and Names as aforesaid, and shall transmit Copies thereof to the said several Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively.

Collector General to make out half-yearly Accounts.

LVII. And be it enacted, That every Officer whose Office shall be abolished, or cease or become unnecessary, by reason of this Act, or who shall be removed from his Office under the Provisions of this Act,

Officers to receive Compensation, and Mode of

ascertaining the same.

Act, or deprived of Fees or Emoluments to which he would have been entitled if this Act had not been passed, and who shall not be re-appointed under this Act, or who shall not be employed or retained in an Office of equal Value under this Act, and also every Collector of any Cess, Rate, or Tax, who is now, or on the Tenth Day of *December* in the Year One thousand eight hundred and fifty shall be, employed in the Collection of any of the Cesses, Rates, or Taxes in the Schedule (A.) to this Act annexed, and who shall not be employed or retained in an Office of equal Value under this Act, shall be entitled to have an adequate Compensation, by way of a Sum of Money in gross or Annuity, at the Option of the Lord Mayor, Aldermen, and Burgesses of *Dublin*, for the Salary and for any Fees or Emoluments which he may enjoy or be entitled to receive on account of the Office or Employment which he shall cease to hold, regard being had to the Manner of his Appointment to the said Office, his Term or Interest therein, Length of Service, and all other Circumstances of the Case; and every Person entitled to such Compensation as aforesaid shall, within Three Months after the First Day of *January* One thousand eight hundred and fifty-one, deliver to the Town Clerk of the said Borough a Statement under his Hand, setting forth how long he shall have held his said Office, and the Amount received by him and his Predecessor, if any, every Year during the Period of Five Years, or such lesser Period as he shall have held his said Office, next before the passing of this Act, on account of the Salary, Fees, Emoluments, and Profits in respect of which he shall claim Compensation, and containing a Declaration that the same is a true Statement, according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the said Town Clerk shall lay such Statement before the Council of the said Borough, who shall take the same into consideration, and determine thereon; and if the Council shall not determine on such Claim within Six Months after the aforesaid Statement shall have been delivered to the Town Clerk, such Claim shall be considered as admitted; and, if the said Council shall so require, the Person preferring such Claim, upon receiving Notice in Writing signed by the Town Clerk, shall attend at any Meeting of the said Council, or any Committee thereof to which the Investigation of such Claim may be referred by such Council, and then and there shall answer all such Questions as shall be asked by any Member of the said Council or Committee touching the Matters set forth in the Statement subscribed by such Person as aforesaid, and produce all Vouchers, Books, Papers, and Writings in his Possession, Custody, or Power relating thereto; and immediately upon a Determination being made by the said Council or Committee touching the Matter in the said Statement, the Person preferring such Claim shall be informed of the Particulars

of such Determination, by Notice in Writing under the Hand of the Town Clerk; and in case such Claim shall be admitted in part and disallowed in part, such Notice shall specify the Particulars in which the same shall have been admitted and disallowed respectively; and the said Council shall also transmit their Determination to such of the Bodies Politic or Corporate, Boards, Commissioners, or Persons, in connexion with whom such Officer or Collector had been, as shall be then existing, or whose Powers shall not have been transferred to the said Council; and in case the Person preferring such Claim shall think himself aggrieved by the Determination of the Council thereon, it shall be lawful for him to appeal to the Commissioners of Her Majesty's Treasury, who shall thereupon make such Order as to them shall seem just; and such Order, signed by Three or more of such Lords Commissioners, shall be binding upon all Parties; and such Order shall be transmitted to the Person preferring such Claim, and to such of the Bodies Politic or Corporate, Boards, Commissioners, or Persons, in connexion with whom such Officer or Collector had been, as shall be then existing, or whose Powers shall not have been transferred to the said Council; and such Bodies Politic or Corporate, Boards, Commissioners, or Persons, shall from Time to Time pay to every such Person awarded Compensation as aforesaid the Money or Annuity so granted or determined as and for Compensation when and as the same shall respectively become due and payable; and in case such Compensation shall be by way of Annuity, the same shall be payable by half-yearly Payments; and such Money or Annuity, as the Case may be, shall be included in the respective Estimates herein-before directed to be made, and shall be levied and collected in like Manner as any Rates so estimated as aforesaid are herein directed to be levied and collected: Provided always, that every such Person who shall be continued in or re-appointed to such Office under the Provisions of this Act, and who shall subsequently be removed from such Office, for any Cause other than such Misconduct as would warrant Removal from any Office held during good Behaviour, shall be entitled to Compensation, in like Manner as if he had been forthwith removed under the Provisions of this Act, and had not been continued in or re-appointed to such Office; provided also, that in case the Office or Employment of any Receiver, Collector, or other Officer belonging to the Police Establishment of the District of *Dublin* Metropolis shall cease or be abolished, wholly or in part, under this Act, and that he on his Removal from such Office or Appointment would have been entitled to Compensation for the Loss of the same under the Provisions of the Act passed in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to regulate the Superannuation Allowances of the Constabulary Force in* Ireland *and the* Dublin *Metropolitan Police*, then, in case his 10 & 11 Vict. c. 100.

Office or Employment shall cease or be abolished under this Act, his Compensation for the Loss of the same shall be settled, determined, and paid in the Manner prescribed by the last-mentioned Act; and in case he shall not have been entitled to such Compensation under such last-mentioned Act, the Compensation of such Receiver, Collector, or other Officer shall be settled, determined, and paid under the Provisions of this Act: Provided also, that no Officer who shall have received Compensation under the Provisions of a Bill now pending in Parliament, to be called "The *Dublin* Improvement Act, 1849," in case the same shall pass into a Law, shall be entitled to receive Compensation under this Act for the Loss of any Office or Employment, Salary, Fees, or Emoluments, in respect of which he shall have so received Compensation.

If Compensation by way of Annuity, the same to be secured by Bond.

LVIII. And be it enacted, That any Compensation payable to any such Person aforesaid shall be secured to such Person by Bond or Obligation by the said Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively liable to pay the same, in a sufficient Penalty, conditioned for the Payment to such Person, his Executors, Administrators, or Assigns, of such Compensation, with all Arrears thereof (if any) which shall have accrued due before the Date of such Bond; and such Bond or Obligation shall be prepared and executed at the Expense of the said Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively, and shall be delivered to the Person entitled to such Compensation, as soon as conveniently may be after the Amount thereof shall have been determined by the Council of the Borough, or, in the event of such Appeal as aforesaid, by Order of the said Commissioners of Her Majesty's Treasury.

No Officer appointed by the Bodies, &c. after passing of Act to have Compensation.

LIX. And be it enacted, That no Officer or Collector appointed by any of the said Bodies Politic or Corporate, Boards, Commissioners, or Persons, after the passing of this Act, and before the Fifth Day of *September* One thousand eight hundred and fifty, shall be entitled to claim Compensation under the Provisions of this Act.

Rate to be open to Inspection of Rate-payers, who may take Copies, &c.

LX. And be it enacted, That such Rate shall be open to the Inspection of any Person interested or rated in such Rate, at all reasonable Times, and any such Person may take Copies or Extracts from such Rate without paying anything for the same; and if the Collector General refuses or does not permit any Person so interested or rated as aforesaid to take Copies or Extracts from such Rate, he shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Rates may be amended.

LXI. And be it enacted, That the Collector General may from Time to Time amend any Rate by virtue of this Act, by inserting

therein the Name of any Person claiming and entitled to have his Name therein as Owner or Occupier, or by inserting therein the Name of any Person who ought to have been rated, or by striking out the Name of any Person who ought not to have been rated, or by raising or reducing the Sum at which any Person has been rated, if it appears to him that such Person has been under-rated or overrated through clerical Errors, or by making such other Amendments therein as will make such Rate conformable to this Act; and no such Amendment shall be held to avoid the Rate: Provided always, that every Person aggrieved by any such Alteration shall have the same Right of Appeal therefrom as he would have had if his Name had been originally inserted in such Rate, and no such Alteration had been made; and as respects such Person the Rates shall be considered to have been made at the Time when he received Notice of such Alteration; and every Person whose Rates are altered shall be entitled to Seven Days Notice of such Alteration before the Rate shall be payable by him.

Unoccupied Premises to be included in the Rates; and if the Premises are afterwards occupied, a Portion of Rates to be paid.

LXII. And be it enacted, That when any Property in respect of which any Person is liable to be assessed as Occupier to any Rate under the Provisions of this Act is unoccupied at the Time of making any such Rate, the Collector General shall in every such Case include such Property in the said Rate, describing it in the Column appropriated to the Name of the Occupier as being "empty;" and if any Person afterwards occupy such Property during any Part of the Period for which such Rate was made the Collector General shall insert in such Rate the Name of such Occupier, and collect from such Occupier, or from the Owner, if he be liable to pay the same, a Portion of the said Rate proportioned to the Time during which such Person occupies such Property, and every such Person shall thereupon be deemed to all Intents and Purposes to be properly rated; and all such Rates may be collected and recovered from the Person liable to pay the same under the Provisions of this Act, in the same Manner as other Rates made payable thereunder: Provided always, that any Person whose Name is so inserted in such Rate, and such Owner as last aforesaid, may appeal against such Rate to the Justices at Special Sessions, or to the next Quarter Sessions holden after such Insertion of his Name as aforesaid, admitting of such Appeal, in the same Manner as he might have appealed if named in the Rate: Provided also, that, except as aforesaid, no Rate shall be payable by any Person in respect of unoccupied Premises.

Owners of Property not exceeding Eight Pounds per Annum net annual

LXIII. And be it enacted, That the Owners of all rateable Property of which the full net annual Value does not exceed the Sum of Eight Pounds, or which are let to weekly or monthly Tenants, or in separate

Value to pay Rates instead of Occupier.

separate Apartments, shall be rated to and pay the Rates by this Act directed to be made, instead of the Occupiers thereof.

Not necessary to name the Owner, where unknown.

LXIV. And be it enacted, That whenever the Name of any Owner liable to be rated under the Provisions of this Act is not known to the Collector General, it shall be sufficient to rate such Owner in the Rate Book as the Owner of the Property to be rated, by the Designation of "the Owner," without stating his Name.

Tenants under existing Leases to repay the Owner.

LXV. Provided always, and be it enacted, That when any Owner is rated in respect of any rateable Property in the Occupation of any Tenant under any Lease or Agreement made prior to the Commencement of this Act, such Tenant shall repay to the Owner all Sums paid by him during the Continuance of such Lease on account of any Rates under this Act payable by the Occupier, unless it have been agreed that the Owner shall pay all Rates in respect of such Property; and every Sum so payable by the Tenant to the Owner may be recovered, if not paid upon Demand, as Arrears of Rent could be recovered from the Occupier by the said Owner.

Occupiers may be rated, if they think fit.

LXVI. And be it enacted, That the Occupiers of any rateable Property may demand to be assessed for the same, and to pay the Rates in respect thereof made by the said Bodies Politic or Corporate, Boards, Commissioners, or Persons, and applotted, levied, and collected under the Authority of this Act; and the Collector General shall assess every such Occupier so long as he duly pays the said Rates, anything herein-before contained notwithstanding.

Persons aggrieved may appeal to a Divisional Justice on the Ground of Incorrectness, &c. of Valuation.

LXVII. And be it enacted, That if any Person shall think himself aggrieved by any Rate, on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any rateable Property included therein, or in the Amount assessed thereon, he may, at any Time within One Month after such Rate is applotted by the Collector General, appeal to a Divisional Justice of the District within which the rateable Property is situated; but no such Appeal shall be entertained by such Justice unless Ten Days Notice in Writing of such Appeal be given by the aggrieved Party to the Collector General; and such Justice shall hear and determine all Objections to any such Rate on the Ground of Inequality, Unfairness, or Incorrectness in the Valuation of any Property included therein, or in the Amount assessed thereon, of which Notice has been so given, but no other Objection, and his Decision shall be final; provided that no such Appeal shall be heard before such Justice unless the Party appealing shall, within Five Days after the giving of the said Notice, enter into a Recognizance before a Divisional Justice, with sufficient Sureties, conditioned

conditioned to try such Appeal before the first-mentioned Divisional Justice, and to abide the Order of and pay such Costs as shall be awarded by such Divisional Justice.

On Appeal, the Quarter Sessions and Petty Sessions to have same Power of amending Rates, and of awarding Costs, as in Appeals against Poor Rates.

LXVIII. And be it enacted, That the said Justice shall in any such Appeal as aforesaid have the same Powers of amending the Rate in respect of which the Appeal is made as are by Law vested in Courts of Quarter Sessions for amending the Rates for the Relief of the Poor within their Jurisdiction upon Appeals against such Rates, and shall likewise have, in any Appeal against any Rate to be levied under the Authority of this Act, the same Powers of awarding Costs to be paid by or to any of the Parties to the Appeal, and of recovering such Costs, as are now vested in such Courts for awarding and recovering Costs in an Appeal against any Rate for the Relief of the Poor within their Jurisdiction.

Order of Justices not to be removed by Certiorari.

LXIX. And be it enacted, That no Order of the said Justice upon any such Appeal as aforesaid shall be removed by Certiorari or otherwise into any of Her Majesty's Courts of Record at *Dublin*.

Rates to be recovered by Distress.

LXX. And be it enacted, That if any Person rated to any of the Rates or Rents to be levied under the Authority of this Act fail to pay any of the said Rates due from him for the Space of Fourteen Days after Demand thereof in Writing by the Collector General or his Collector, any such Justice, on the Application of the Collector General or his Collector, may summon such Person to appear before him at a Time to be mentioned in the Summons, to show Cause why the Rates due from him should not be paid; and in case no sufficient Cause for the Nonpayment of such Rate be shown, the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly, or the Collector General may recover the same by Action of Debt or by Civil Bill; provided that if no sufficient Distress whereon to levy the Amount due in respect of such Rates can be found within the Jurisdiction of the said Justice, then, upon Oath thereof made before any Justice of any other County or Jurisdiction in which any Goods or Chattels of the Person not paying the said Rates may be found, such Justice shall certify the said Oath, by endorsing the said Warrant, and thereupon the Amount due in respect of the said Rates, and unpaid by the said Person, may be levied by Distress of the Goods and Chattels of such Person as assessed in the last-mentioned County or Jurisdiction.

Form of Warrant of Distress.

LXXI. And be it enacted, That the Warrant of Distress for the Recovery of any Rate made payable by this Act may be in the Form or to the Effect mentioned in Schedule (C.) to this Act annexed;

 and

Constables to assist in making Distress.

and in all Cases where a Distress is hereby authorized to be made, every Constable authorized by the Warrant to levy any Sum mentioned therein shall, upon being required by a Collector of the Rates, aid in making a Distress or Sale, pursuant to such Warrant.

Rate Books to be Evidence.

LXXII. And be it enacted, That in any Proceeding to levy and recover or consequent on the levying or recovering of any Rate under the Provisions of this Act the Books of Rates of the Collector General, and all Entries made therein in manner by this Act directed, by the Production thereof alone, and without any Evidence that the Notices and other Requirements of this Act have been given or complied with, or on Proof of the Signature of the Collector General subscribed therein, shall be received as Evidence of such Rate and of the Contents thereof.

Remedy against Persons quitting before Payment of Rates.

LXXIII. And be it enacted, That if any Person quit or be about to quit any rateable Property before he has paid the Rates then payable by him in respect thereof, and do not pay the same to the Collector General or his Collector, on Demand, any Justice having Jurisdiction where such Person resides or his Goods are found may summon such Person to appear before him at a Time mentioned in the Summons, to show Cause why the Rates should not be paid, and if no sufficient Cause for the Nonpayment of such Rates be shown accordingly the same shall be levied by Distress, and such Justice shall issue his Warrant accordingly.

Rates to be apportioned on Holder quitting.

LXXIV. And be it enacted, That when any Rate has been made for a particular Period, and the Owner or Occupier who is rated to such Rate ceases to be the Owner or Occupier of the Property in respect whereof he is rated before the End of such Period, such Owner or Occupier shall be liable to pay a Portion only of the Rate payable for the whole of such Period proportionate to the Time during which he continued to be Owner or Occupier; and in every such Case, if any Person, after the making of such Rate, become the Owner or Occupier of any Property so rated as aforesaid during Part of the Period for which such Rate was made, such Person shall pay a Portion of such Rate proportioned to the Time during which he held or occupied the Property so rated, and the same shall be recovered from him in the same Manner as if he had been originally rated for such Property.

Rates due from Owner may be recovered from Occupier.

LXXV. And be it enacted, That when the Owner of any rateable Property is rated in respect thereof under the Authority of this Act, and the Rate remains unpaid for Three Months, the Collector General or his Collector may demand the Amount of such Rate from the Occupier

Occupier for the Time being of such rateable Property, and on Nonpayment thereof may recover the same by Distress and Sale of his Goods and Chattels, in like Manner as Rates may be recovered from the Occupier of any Property liable to be rated; and every such Occupier shall be entitled to deduct from the Rent payable by him to such Owner so much as was so paid by or recovered from him.

Occupier not to be required to pay more than the Amount of Rent owing by him.

LXXVI. Provided always, and be it enacted, That no such Occupier shall be required to pay, nor shall his Goods and Chattels be distrained for, any further Sum than the Amount of Rent due from him at the Time of the Demand made upon him for such Amount of Rate, or which after such Demand, and after Notice not to pay the same to his Landlord, at any Time accrues and becomes payable by him, unless he refuse, on Application being made to him for that Purpose by or on behalf of the Collector General, truly to disclose the Amount of his Rent, and the Name and Address of the Person to whom such Rent is payable; but the Burden of Proof that the Sum demanded from any such Occupier is greater than the Rent due by him at the Time of such Notice, or which has since accrued, shall lie upon such Occupier.

Occupier refusing to give Name of Owner liable to pay the Rate.

LXXVII. And be it enacted, That if, on the Request of the Collector General or of the Collector of the said Rates, the Occupier of any Property refuses or wilfully omits to disclose or wilfully mis-states to the Collector General or Collector making such Request the Name of the Owner of such Property, or of the Person receiving or authorized to receive the Rents of the same, such Occupier so refusing or wilfully omitting to disclose or wilfully mis-stating as aforesaid shall be liable to pay the Rate or Rates to which the Property occupied by him shall have been rated, in like Manner as if he had been himself rated to the same under the Provisions of this Act.

Service of Notices upon Collector General.

LXXVIII. And be it enacted, That any Summons or Notice, or any Writ, or other Proceeding at Law or in Equity, requiring to be served upon the Collector General, may be served by the same being left at or transmitted through the Post, directed to the Office of the Collector General, or being given personally to him.

Tender of Amends.

LXXIX. And be it enacted, That if any Party shall have committed any Irregularity, Trespass, or other wrongful Proceeding in the Execution of this Act, or by virtue of any Power or Authority thereby given, and if before Action brought in respect thereof such Party make Tender of sufficient Amends to the Party injured, such last-mentioned Party shall not recover in any such Action; and if

no

no such Tender shall have been made it shall be lawful for the Defendant, by Leave of the Court where such Action shall be pending, at any Time before Issue joined, to pay into Court such Sum of Money as he shall think fit, and thereupon such Proceedings shall be had as in other Cases where Defendants are allowed to pay Money into Court.

Distress not unlawful for Want of Form.

LXXX. And be it enacted, That no Distress levied by virtue of this Act shall be deemed unlawful, nor shall any Party making the same be deemed a Trespasser, on account of any Defect or Want of Form in the Summons, Conviction, Warrant of Distress, or other Proceeding relating thereto, nor shall such Party be deemed a Trespasser *ab initio* on account of any Irregularity afterwards committed by him, but all Persons aggrieved by such Defect or Irregularity may recover full Satisfaction for the special Damage in an Action upon the Case.

Penalty on Witnesses making default.

LXXXI. And be it enacted, That it shall be lawful for any Justice to summon any Person to appear before him as a Witness in any Matter in which such Justice shall have Jurisdiction under the Provisions of this Act, at a Time and Place mentioned in such Summons, and to administer to him an Oath to testify the Truth in such Matter; and if any Person so summoned shall, without reasonable Excuse, refuse or neglect to appear at the Time and Place appointed for that Purpose, having been paid or tendered a reasonable Sum for his Expenses, or if any Person appearing shall refuse to be examined upon Oath or to give Evidence before such Justice, every such Person shall forfeit a Sum not exceeding Five Pounds for every such Offence.

Parties allowed to appeal to Quarter Sessions, on giving Security.

LXXXII. And be it enacted, That if any Party shall feel aggrieved by any Determination or Adjudication of any Justice with respect to any Penalty or Forfeiture under the Provisions of this Act, such Party may appeal to the General Quarter Sessions; but no such Appeal shall be entertained unless it be made within Four Months next after making of such Determination or Adjudication, nor unless Ten Days Notice in Writing of such Appeal, stating the Nature and Grounds thereof, be given to the Party against whom the Appeal shall be brought, nor unless the Appellant forthwith after such Notice enter into Recognizances, with Two sufficient Sureties, before a Justice, conditioned duly to prosecute such Appeal, and to abide the Order of the Court thereon.

Court to make such Order as

LXXXIII. And be it enacted, That at the Quarter Sessions for which such Notice shall be given the Court shall proceed to hear and determine

determine the Appeal in a summary Way, or they may, if they think fit, adjourn it to the following Sessions; and upon the Hearing of such Appeal the Court may, if they think fit, mitigate any Penalty or Forfeiture, or they may confirm or quash the Adjudication, and order any Money paid by the Appellant, or levied by Distress upon his Goods, to be returned to him, and may also order such further Satisfaction to be made to the Party injured as they may judge reasonable; and they may make such Order concerning the Costs, both of the Adjudication and of the Appeal, as they may think reasonable.

they think reasonable.

LXXXIV. And be it enacted, That every Person who, upon any Examination upon Oath under the Provisions of this Act, shall wilfully and corruptly give false Evidence, shall be liable to the Penalties of wilful and corrupt Perjury.

Persons giving false Evidence liable to Penalties of Perjury

LXXXV. And be it enacted, That all Penalties imposed by or under the Authority of this Act, where the Application is not otherwise provided for, shall be payable to the Guardians of the Poor of the Union within which the Offence was committed, to be applied in aid of the Poor Rates of such Union.

Application of Penalties.

LXXXVI. And be it enacted, That the said Collector General shall from Time to Time, when required so to do, give to the Town Clerk of the Borough of *Dublin* a List of the Names of all the Rate-payers of the Borough of *Dublin*, or of such Ward or Wards of such Borough as shall be required by the Town Council for Municipal Purposes.

List of Rate-payers to be given to Council when required for Municipal Purposes.

LXXXVII. And be it enacted, That the Clerk of the Peace of the County of the City of *Dublin* shall, within One Week after the Commencement of the Midsummer Sessions in the Year One thousand eight hundred and fifty-one, and within One Week after the Commencement of the Midsummer Sessions in every succeeding Year, issue and deliver to the said Collector General his Precept, in the Form and Manner and within the Time directed by the Act of the Third and Fourth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for consolidating and amending the Laws relating to Jurors and Juries in* Ireland, requiring the said Collector General to do the several Matters and Things directed by that Act to be done by the Collectors of Grand Jury Cess; and the said Collector General shall prepare and make out, in alphabetical Order, a true List of every Man residing within the County of the City of *Dublin* who shall be qualified and liable to serve on Juries for the Trial of all Issues joined in any of Her Majesty's Courts of Record in *Dublin*, and in all Courts of Nisi Prius,

Collector General to make out List of Persons liable to serve on Juries, with Residences, &c.

3 & 4 W. 4. c. 91.

Prius, Oyer and Terminer, and Gaol Delivery, in the said City of *Dublin*, with the Christian and Surname written at full Length, and with the true Place of Abode, the Title, Quality, Calling, or Business, and the Nature of the Qualification of every such Man, in the same Manner as is now required to be done by the Collectors of Grand Jury Cess under the Powers and Provisions of the said Act, and other Acts amending the same; and the said Collector General shall deliver a true Copy of such List, signed by the said Collector General, to the Town Clerk of the Borough of *Dublin*, within Twenty-one Days after the Receipt of such Precept, and shall also deliver a true Copy of such List to the Clerk of the Peace of the County of the City of *Dublin*; and the said List shall be dealt with in the like Manner, and shall be good, valid, and effectual, to all Intents and Purposes whatsoever, as if the same had been prepared and made by the Collectors of Grand Jury Cess under the Provisions of the said recited Act.

Expenses of Act.

LXXXVIII. And be it enacted, That the Costs, Charges, and Expenses attending or incident to the applying for and obtaining this Act shall be paid by the Collector General out of the first Monies which shall come to his Hands under the Provisions of this Act (each separate Rate collected by him bearing its own proportionate Share of such Costs, Charges, and Expenses); and that the Amount of such Costs, Charges, and Expenses shall be included in and form a Part of the first quarterly Account of Expenses to be transmitted by the Collector General to the said Bodies Politic or Corporate, Boards, Commissioners, or Persons respectively, under the Provisions hereinbefore mentioned.

Interpretation of Terms.

LXXXIX. And be it enacted, That in the Construction of this Act the following Words and Expressions shall have the Meanings hereby assigned to them, unless such Meanings be repugnant to or inconsistent with the Context or Subject Matter in which such Words or Expressions occur; that is to say,

Words importing the Singular Number shall include Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words importing the Masculine Gender shall include Females:

The Words "Lord Lieutenant" shall mean Lord Lieutenant, Lords Justices, or other Chief Governor or Governors of *Ireland*:

The Words "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Dublin*:

The Words "General or Quarter Sessions of the Peace" shall mean General or Quarter Sessions for the Borough of *Dublin*:

The Word "Justice" shall mean the Lord Mayor of *Dublin* for the Time being, and any Justice of the Peace acting in or for the Borough of *Dublin*, or any One of the Divisional Justices of the District of *Dublin* Metropolis:

The Word "Owner" shall mean Landlord or immediate Lessor:

The Word "Rate" shall mean and include any Tax, Rent, Cess, or Assessment:

The Words "City of *Dublin*" shall be construed to mean the Municipal District of *Dublin* as defined by the Act of the Third Year of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland:

The Word "Lands" or "Houses" shall include Messuages, Lands, Tenements, and Hereditaments of any Tenure:

The Word "Oath" shall include Affirmation:

The Word "Constable" shall mean Constable or Sub-Constable of the *Dublin* Metropolitan Police Force:

The Word "Officer" shall mean a Person in the Receipt of a Salary or of any Fees or Emoluments arising from an Office or Employment.

XC. And be it enacted, That this Act shall commence and take effect from the Fifth Day of *September* One thousand eight hundred and fifty. Commencement of Act.

XCI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

XCII. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

SCHE-

## SCHEDULES referred to in the foregoing Act.

### SCHEDULE (A.)

*Name of Rate, Cess, Tax, or Rent to be collected by the Collector General.*

Police Rate.
Poor Rate.
Pipe-water Rate or Rent.
Borough Rate.
Improvement Rate.
District Sewer Rate.
Grand Jury Cess.

### SCHEDULE (B.)

*Form of Notice of Demand of Rates and Taxes being due and payable.*

No.

By Order of the Collector General of Taxes.

To

TAKE notice, That the under-mentioned Rates and Taxes due by you for Property in your Occupation, or for which you are liable, from to became due and payable on the Day of

*A.B.*, Collector.

Collector General's Office,
Street, Dublin.

[*Date*]

| Name of Rate or Tax. | Description and Situation of Property. | Valuation. | Poundage | Amount due on each Rate | Total due £ |
|---|---|---|---|---|---|
| Police Rate | | | | | |
| Poor Rate | | | | | |
| Pipe water Rate or Rent. | | | | | |
| Borough Rate | | | | | |
| Improvement Rate | | | | | |
| District Sewer Rate | | | | | |
| Grand Jury Cess | | | | | |

SCHE-

## SCHEDULE (C.)

*Form of Warrant of Distress for the Recovery of Rates.*

County of or Borough, &c., to wit. } WHEREAS Complaint hath been duly made by One of the Collectors of Rates, to the Collector General appointed under the Authority of an Act, intituled [*here insert Title of this Act*], that of, &c., hath not paid and has refused to pay the Sum of duly assessed upon him in and by a certain Rate [*or* Rates] for the said Borough [*or* District], called the bearing Date on or about the Day of in the Year of our Lord 184 , and duly made according to the Directions and for the Purposes of [*here name the Act under which Authority is given to make the Rate or Rates*], although the same hath been duly demanded of him: And whereas it appears to me One of Her Majesty's Justices of the Peace in and for the said County or Borough, &c., as well as upon Oath of One of the said Collectors of Rates, as otherwise, that the said Sum of hath been duly demanded in Writing by him from the said and that the said hath refused to pay the same for the Space of Fourteen Days after such Demand made, and doth refuse to pay the same: And whereas the said having appeared before me in pursuance of my Summons for that Purpose, hath not shown to me any sufficient Cause why the same should not be paid [*or* And whereas it hath been duly proved to me upon Oath that the said hath been duly summoned to appear before me to show Cause why he refuseth to pay the said Rate or Assessment, but he the said hath neglected to appear according to the said Summons, and hath not shown to me any sufficient Cause why the same should not be paid]: These are therefore in Her Majesty's Name to command you to levy the said Sum of by Distress of the Goods and Chattels of the said and if the same shall not be paid within the Space of Days next after such Distress by you taken, together with the reasonable Charges of taking and keeping the same, that then you do sell the said Goods and Chattels by you distrained, and out of the Money arising by such Sale that you detain the Sum of and also your reasonable Charges of taking, keeping, and selling the said Distress, rendering to him the said the Overplus, on Demand; and if sufficient Distress cannot be found of the Goods and Chattels of the said whereon to levy the said Sum of that then you certify the same to me, together with

with the Warrants, to the end that such further Proceeding may be had therein as to the Law doth appertain. Given under my Hand and Seal, the Day of in the Year of our Lord One thousand eight hundred and forty

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

***

ing of this Act.

save as to any Offences committed against the Provisions of the said recited Acts, or either of them, before the passing of this Act, which Offences shall and may be dealt with, and the Offenders proceeded against and punished, as if this Act had not passed.

Penalty for Cruelty to Animals.

II. And be it enacted, That if any Person shall from and after the passing of this Act cruelly beat, ill-treat, over-drive, abuse, or torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, abused, or tortured, any Animal, every such Offender shall for every such Offence forfeit and pay a Penalty not exceeding Five Pounds.

As to Places kept for Bull-baiting, Dog-fighting, &c.

III. And be it enacted, That every Person who shall keep or use or act in the Management of any Place for the Purpose of fighting or baiting any Bull, Bear, Badger, Dog, Cock, or other Kind of Animal, whether of domestic or wild Nature, or shall permit or suffer any Place to be so used, shall be liable to a Penalty not exceeding Five Pounds for every Day he shall so keep or use or act in the Management of any such Place, or permit or suffer any Place to be used as aforesaid; provided always, that every Person who shall receive Money for the Admission of any other Person to any Place kept or used for any of the Purposes aforesaid shall be deemed to be the Keeper thereof; and every Person who shall in any Manner encourage, aid, or assist at the fighting or baiting of any Bull, Bear, Badger, Dog, Cock, or other Animal as aforesaid shall forfeit and pay a Penalty not exceeding Five Pounds for every such Offence.

As to Damage done by Persons guilty of Cruelty to Animals.

IV. And be it enacted, That if any Person shall, by cruelly beating, ill-treating, over-driving, abusing, or torturing any Animal, do any Damage or Injury to such Animal, or shall thereby cause any Damage or Injury to be done to any Person or to any Property, every such Offender shall on Conviction of such Offence pay to the Owner of such Animal (if the Offender shall not be the Owner thereof), or to the Person who shall sustain Damage or Injury as aforesaid, such Sum of Money by way of Compensation, not exceeding the Sum of Ten Pounds, as shall be ascertained and determined by the Justice of the Peace by whom such Person shall have been convicted: Provided always, that the Payment of such Compensation, or any Imprisonment for the Nonpayment thereof, shall not prevent or in any Manner affect the Punishment to which such Person or the Owner of such Animal may be liable for or in respect of the beating, ill-treating, or abusing of the said Animal; Provided also, that nothing herein contained shall prevent any Proceeding by Action against such Offender, or the Employer of such Offender, where the Amount of Damage or Injury is not sought to be recovered under this Act.

V. And

V. And be it enacted, That every Person who shall impound or confine, or cause to be impounded or confined, in any Pound or Receptacle of the like Nature, any Animal, shall provide and supply during such Confinement a sufficient Quantity of fit and wholesome Food and Water to such Animal; and every such Person who shall refuse or neglect to provide and supply such Animal with such Food and Water as aforesaid shall for every such Offence forfeit and pay a Penalty of Twenty Shillings.

Persons impounding Animals to provide Food and Water

VI. And be it enacted, That in case any Animal shall at any Time be impounded or confined as aforesaid, and shall continue confined without fit and sufficient Food and Water for more than Twelve successive Hours, it shall and may be lawful to and for any Person whomsoever, from Time to Time, and as often as shall be necessary, to enter into and upon any Pound or other Receptacle of the like Nature in which any such Animal shall be so confined, and to supply such Animal with fit and sufficient Food and Water during so long a Time as such Animal shall remain and continue confined as aforesaid, without being liable to any Action of Trespass or other Proceeding by any Person whomsoever for or by reason of such Entry for the Purposes aforesaid; and the reasonable Cost of such Food and Water shall be paid by the Owner of such Animal, before such Animal is removed, to the Person who shall supply the same; and the said Cost may be recovered in like Manner as herein provided for the Recovery of Penalties under this Act.

Power to supply Food and Water to Animals impounded.

VII. And whereas by an Act of Parliament passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for regulating Houses and other Places kept for the Purpose of slaughtering Horses*, it is enacted, that every Person and Persons licensed according to the Provisions of that Act shall cause to be painted or affixed over the Door or Gate of the House or Place where he, she, or they shall carry on the Business of slaughtering Horses or other Cattle, in large legible Characters, his, her, and their Name and Names, together with the Words "Licensed for slaughtering Horses, pursuant to an Act passed in the Twenty-sixth Year of His Majesty King *George* the Third:" And whereas no Penalty is provided by the said recited Act for the Refusal or Neglect to comply with the said Provision: For Remedy whereof be it enacted, That any Person licensed as aforesaid who shall refuse or neglect to comply with the said recited Provision of the said recited Act shall forfeit and pay for such Offence a Penalty not exceeding Five Pounds, and shall forfeit and pay a like Penalty for every Day during which such Refusal or Neglect shall continue, such Penalties to be recovered as Penalties under this Act are directed to be recovered.

26 Geo. c. 71.

Persons keeping Places for slaughtering Cattle, &c. to affix Names, &c.

VIII. And

Regulations as to Cattle sent to be slaughtered.

VIII. And be it enacted, That every Person keeping or using or acting in the Management of any Place for the Purpose of slaughtering Horses or other Cattle (not intended for Butchers Meat) shall, immediately upon any Horse or other Cattle being brought to or delivered at such Place for the Purpose of being slaughtered, cut off or cause to be cut off the Hair from the Neck of such Horse or other Cattle, and within Three Days from the Time of such Horse or other Cattle being brought or delivered as aforesaid shall kill or cause to be killed the said Horse or other Cattle, and, until such Horse or other Cattle shall be killed, shall supply such Horse or other Cattle with a sufficient Quantity of fit and wholesome Food and Water; and if any Person keeping or using or acting in the Management of any such Place shall neglect or omit to cut or cause to be cut off the Hair of the Neck of such Horse or other Cattle, or to kill or cause to be killed any such Horse or other Cattle, within the Time above limited, or shall neglect or omit to supply a sufficient Quantity of fit and wholesome Food and Water to such Horse or other Cattle as aforesaid, every such Person shall on Conviction of any or either of the said Offences be liable to a Penalty not exceeding Five Pounds.

Cattle intended for Slaughter not to be employed.

IX. And be it enacted, That if any Person keeping or using or having the Management of any Place for the Purpose of slaughtering Horses or other Cattle (not intended for Butchers Meat) shall use or employ or cause or permit to be used or employed any Horse or other Cattle brought to or delivered at, or which shall be in or upon, such Place for the Purpose of being slaughtered, or shall permit or suffer any such Horse or other Cattle to leave the said Place, to be employed in any Manner of Work, every such Person shall be liable to forfeit and pay a Penalty not exceeding Forty Shillings for every Day on which such Horse or other Cattle shall be so used or employed, or shall be absent from such Place; and every Person who shall be found using or employing any such Horse or other Cattle, or in the Possession of any such Horse or other Cattle whilst so used or employed, shall be liable to forfeit and pay a Penalty not exceeding Forty Shillings for every Day he shall use or employ or be so possessed of any such Horse or other Cattle as aforesaid.

Penalty.

Description of Cattle to be entered in a Book.

X. And be it enacted, That every Person keeping or using or having the Management of any Place for slaughtering Horses or other Cattle (not intended for Butchers Meat) shall, at the Time of receiving any Horse or other Cattle in such Place, enter in a Book such a full and correct Description of the Colour, Marks, and Gender of such Horse or other Cattle as may clearly distinguish and identify the same; and if any such Person shall refuse or neglect to make or cause to be made such Entry in a clear and distinct Manner, or shall refuse

Penalty for Neglect.

refuse or neglect to produce such Book before any Justice of the Peace whenever required by such Justice so to do, or shall refuse to allow such Book to be inspected, and Extracts to be made therefrom, at all reasonable Times, by any Constable, or other Person duly authorized by such Justice, every such Person shall be liable to forfeit and pay a Penalty for every such Offence not exceeding Forty Shillings.

Persons licensed to slaughter Horses not to be licensed as Horse Dealers at the same Time.

XI. And be it enacted, That it shall not be lawful for any Person who shall be licensed to slaughter Horses, during the Time while such Licence shall be in force, to be licensed as a Horse Dealer, or exercise or use the Trade or Business of a Dealer in Horses, and if any Person licensed to slaughter Horses shall, while such Licence shall be in force, obtain a Licence as a Horse Dealer, every such last-mentioned Licence shall be void.

Penalty for improperly conveying Animals.

XII. And be it enacted, That if any Person shall convey or carry or cause to be conveyed or carried in or upon any Vehicle any Animal in such a Manner or Position as to subject such Animal to unnecessary Pain or Suffering, every such Person shall forfeit and pay a Penalty not exceeding Three Pounds for the First Offence, and a Penalty of Five Pounds for the Second and every subsequent Offence.

Apprehension of Offenders.

XIII. And be it enacted, That when and so often as any of the Offences against the Provisions of this Act shall happen, it shall and may be lawful for any Constable, upon his own View thereof, or upon the Complaint and Information of any other Person who shall declare his or her Name and Place of Abode to the said Constable, to seize and secure by the Authority of this Act any such Offender, and forthwith without any other Authority or Warrant to convey such Offender before a Justice of the Peace, to be dealt with by such Justice for such Offence according to Law.

Justice may hear Complaints made under this Act within One Month after Offence committed.

XIV. And be it enacted, That every Complaint under the Provisions of this Act shall be made within One Calendar Month after the Cause of such Complaint shall arise, and every Offence committed against this Act may be heard and determined by any Justice of the Peace within whose Jurisdiction such Offence shall be committed in a summary Way upon the Complaint of any Person and without any Information in Writing; and it shall be lawful for any such Justice in all Cases, where any Person complained of shall not be in Custody, to summon such Person to appear before such Justice, or before any other Justice of the Peace at a Time and Place to be named in such Summons; and on the Appearance of the Party accused, or in default of such Appearance upon Proof of the Service of such Summons, the said

said Justice or any other Justice who shall be present at the Time and Place appointed for such Appearance shall proceed to examine into the Matter; and if upon the Confession of the Party accused, or on the Oath of One or more credible Witness or Witnesses, the Party accused shall be convicted of having committed the Offence charged or complained of, the Party so convicted shall pay such Penalty, Damage, or Compensation as the said Justice shall according to the Provisions of this Act adjudge, order, or award, together with the Costs of Conviction, to be settled by such Justice, or be otherwise dealt with according to the Provisions of this Act.

As to Service of Summons.

XV. And be it enacted, That any Summons issued by any such Justice, requiring the Appearance of any Party charged as an Offender against any of the Provisions of this Act, shall be deemed and taken to be well and sufficiently served in case either the Summons or a Copy thereof shall be served personally on such Person as aforesaid, or shall be left at his usual or last known Place of Abode, in whatever County or Place such Summons may be served or left.

Warrant may be issued by Justice without Summons.

XVI. And be it enacted, That any Justice of the Peace may, without issuing any such Summons as aforesaid, forthwith issue his Warrant for the Apprehension of any Person charged with any Offence against the Provisions of this Act, whenever good Grounds for so doing shall be stated on Oath before such Justice.

Justices may summon Witnesses to appear.

XVII. And be it enacted, That any Justice of the Peace may summon any Witness to appear and give Evidence before him upon the Matter of any Offence against the Provisions of this Act; and if any such Witness shall, after Tender of his reasonable Expenses in that Behalf, neglect or refuse to attend at the Time and Place stated in such Summons, then, Proof on Oath being first given of the personal Service of the Summons upon such Witness, such Justice may issue his Warrant for the Apprehension of such Witness, and such Justice may commit any Witness appearing or being brought before him who shall refuse to give Evidence to the House of Correction or Common Gaol within the Jurisdiction of such Justice, there to remain without Bail or Mainprize for any Time not exceeding Twenty-one Days, or until such Witness shall sooner submit himself to be examined and to give Evidence; and in case of such Submission the Order of such Justice shall be a sufficient Warrant for the immediate Discharge of such Witness from Custody.

Offenders not paying Penalty may be committed.

XVIII. And be it enacted, That in every Case of a Conviction under this Act, where the Sum imposed as a Penalty, or the Amount awarded for Compensation or Damage, together with Costs (if any), by any Justice of the Peace, for or in respect of any Offence



against

against the Provisions of this Act, shall not be paid immediately upon the Conviction, or within such Time as the convicting Justice shall, in the Exercise of his Discretion, appoint and limit in that Behalf, it shall be lawful for such Justice and he is hereby required to commit the Offender to the House of Correction, there to be imprisoned, with or without hard Labour, for any Time not exceeding Two Calendar Months, unless Payment be sooner made: Provided always, that if such Conviction shall take place before Two Justices or before One of the Police Magistrates sitting at any Police Court within the Metropolitan Police District it shall be lawful for such Justices, or such Police Magistrate, if they or he shall think fit, instead of imposing a pecuniary Penalty, forthwith to commit any such Offender to the House of Correction, there to be imprisoned with, or without hard Labour, for any Time not exceeding Three Calendar Months.

Vehicles, &c. may be detained.

XIX. And be it enacted, That whenever any Person having Charge of any Vehicle or any Animal shall be taken into Custody by any Constable for any Offence against the Provisions of this Act, it shall be lawful for such Constable to take charge of such Vehicle or Animal, and deposit the same in some Place of safe Custody as a Security for Payment of any Penalty to which the Person having had Charge thereof, or the Owner thereof, may become liable, and for Payment of any Expenses which may have been or may be necessarily incurred for taking charge of and keeping the same; and it shall be lawful for any Justice of the Peace before whom the Case shall have been heard to order such Vehicle or such Animal to be sold for the Purpose of satisfying such Penalty and reasonable Expenses, in default of Payment thereof, in like Manner as if the same had been subject to be distrained and had been distrained for the Payment of such Penalty and Expenses.

Penalty for obstructing Constables.

XX. And be it enacted, That in case any Person shall at any Time or in any Manner unlawfully obstruct, hinder, molest, or assault any Constable or Keeper of a Pound while in the Exercise of any Power or Authority under or by virtue of this Act, every such Person shall forfeit and pay a Penalty not exceeding Five Pounds for every such Offence.

Distribution of Penalties.

XXI. And be it enacted, That all pecuniary Penalties which shall be recovered before any Justice of the Peace under the Provisions of this Act shall be respectively divided, paid, and distributed in the following Manner; (that is to say,) one Moiety thereof to the Overseers of the Poor of the Parish in which the Offence shall have been committed, to be by such Overseers applied in aid of the Rates of their respective Parishes, and the other Moiety thereof to the Person who shall complain and prosecute for the same, or

to

to such other Person as to such Justice shall seem fit and proper; and that every Sum of Money which shall or may be ascertained, determined, adjudged, and ordered by any Justice of the Peace under the Authority of this Act to be paid as the Amount of any Damage or Injury occasioned by the Commission of any of the Offences herein-before mentioned shall be paid to the Person who shall or may have sustained such Damage or Injury, according to the Order or Determination and Discretion of such Justice: Provided always, that the Moiety of Penalties hereby directed to be paid to the Overseers of the Poor shall, if recovered before any Justice of the Peace under the Provisions of this Act upon Convictions of Offences committed in *Ireland*, be paid to such Hospital, Dispensary, or Infirmary as the Justice before whom the Conviction shall have taken place may direct, to be by the Treasurer thereof applied in aid of the Funds maintaining such Institution.

Proprietors of public Vehicles may be summoned to produce their Servants.

XXII. And be it enacted, That when any Complaint shall be made before any Justice of the Peace against the Driver or Conductor of any Hackney Carriage, or the Driver or Conductor of any Stage Carriage, or the Driver of any Cart, Waggon, Van, or other Vehicle, for any Offence committed by him against the Provisions of this Act, it shall be lawful for such Justice, if he shall think proper, forthwith to summon the Proprietor of such Hackney or Stage Carriage, or the Owner of such Cart, Waggon, Van, or other Vehicle, to produce before him the Driver, Conductor, or other Servant by whom such Offence was committed, to answer such Complaint; and in case such Proprietor or Owner, after being duly summoned, shall fail to produce the Driver, Conductor, or Servant, it shall be lawful for the Justice of the Peace before whom such Driver, Conductor, or Servant shall be required to be produced, if he shall think fit, to proceed, in the Absence of such Driver, Conductor, or Servant, to hear and determine the Case, in the same Manner as if he had been produced, and to adjudge Payment, by the Proprietor or Owner, of any Penalty or Sum of Money and Costs in which the Driver, Conductor, or Servant shall be convicted; and any Sum of Money which shall be so paid by the Proprietor or Owner shall and may be recovered in a summary Way from the Driver, Conductor, or Servant through whose Default such Sum shall have been paid, upon Proof of Payment thereof, and of such Servant's refusing or neglecting to be produced pursuant to the Order of the Justice, in the same Manner as Penalties are to be recovered under the Provisions of this Act: Provided always, that if the said Justice of the Peace shall deem it proper, it shall be lawful for him, when such Proprietor or Owner shall fail to produce his Driver, Conductor, or Servant, without any satisfactory Excuse, to be allowed by such Justice, to impose a Fine of Forty Shillings upon such Proprietor or Owner, and so from Time to Time as often as he shall

shall be summoned in respect of such Complaint, until he shall produce the said Driver, Conductor, or Servant.

XXIII. And be it enacted, That every Conviction for any Offence against this Act may be drawn and made according to the following Form or to the Effect thereof, or as near thereto as the Case shall permit: Form of Conviction.

'
' to wit. } BE it remembered, That on the Day of in the Year of our Lord *A. B.*
' is brought before me [*or* us] *C. D. et cætera*, a Justice [*or* Justices]
' of the Peace for the [*here insert the County, Borough, or other*
' *Jurisdiction of the Justice or Justices*], and is charged before me
' [*or* us] with having [*here describe the Offence*], contrary to the
' Provisions of a certain Act [*here insert the Title of this Act*], and
' it appearing unto me [*or* us] upon the Confession of the said *A. B.*
' [*or* upon the Oath of a credible Witness or Witnesses, *as the Case*
' *may be*,] that the said *A. B.* is guilty of the said Offence, I do
' therefore adjudge the said *A. B.* [*here insert the Adjudication, and,*
' *in the Case of a Second or subsequent Offence, add these Words,*
' the same being the Second [*or any subsequent*] Offence against the
' Provisions of the said Act]. Given under my [*or* our] Hand [*or*
' Hands] at [*here insert the Place where the Justice or Justices may*
' *be*], the Day and Year first above written.'

XXIV. And be it enacted, That every Justice of the Peace before whom any Person shall be convicted of any Offence against this Act shall transmit the Conviction to the next General or Quarter Sessions which shall be holden for the County, Borough, or other Jurisdiction wherein the Offence shall have been committed, there to be kept by the proper Officer among the Records of the said Court; and upon any Complaint or Proceeding against any Person for a subsequent Offence a Copy of such Conviction certified by the proper Officer of the said Court, or proved to be a true Copy, shall be sufficient Evidence to prove a Conviction for the former Offence, and the Conviction shall be presumed to have been unappealed against until the contrary be shown. Convictions to be transmitted to General or Quarter Sessions.

XXV. And be it enacted, That in all Cases where the Sum adjudged to be paid on any Conviction shall exceed Two Pounds, and in all Cases where Imprisonment shall be adjudged, any Person who shall think himself aggrieved by any such Conviction may appeal to the next Court of General or Quarter Sessions which shall be holden not less than Fourteen Days after the Day of such Conviction for the County, Borough, or other Jurisdiction wherein the Cause of Appeal shall have arisen; provided that such Person shall give to the Complainant a Notice in Writing of such Appeal, and of the Cause and Matter thereof, within Three Days Appeal.

after such Conviction, and Seven clear Days at the least before such Sessions, and shall also either remain in Custody until the Sessions, or enter into a Recognizance, with Two sufficient Sureties, before a Justice of the Peace, conditioned personally to appear at the said Sessions, and to try such Appeal, and to abide the Judgment of the Court thereon, and to pay such Costs as shall be by the Court awarded; and upon such Notice being given, and such Recognizance being entered into, the Justice before whom the same shall be entered into shall liberate such Person, if in Custody, and the Court at such Sessions shall hear and determine the Matter of the Appeal, and shall make such Order therein as to the Court shall seem meet, and in case of the Dismissal or Nonprosecution of the Appeal, or the Affirmance of the Conviction, shall order and adjudge the Offender to be punished according to the Conviction, and to pay such Costs as shall be thereby awarded, and also the Costs of such Appeal, or incident thereto or occasioned thereby, and shall, if necessary, issue Process for enforcing such Judgment: Provided always, that it shall be lawful for the said Court to adjourn the Hearing of any such Appeal to any succeeding Sessions, if such Court shall think fit; and such Court, in the event of such Postponement, may make any Order for the Payment of Costs by either Party to the other as to such Court shall seem reasonable.

Convictions not to be removed.

XXVI. And be it enacted, That no Conviction made under the Authority of this Act, nor any Order, Judgment, or Proceeding relative thereto, shall be quashed for Want of Form, or be removed by Certiorari or otherwise into any of Her Majesty's Superior Courts of Record; and no Warrant of Commitment under the Provisions of this Act shall be held void by reason of any Defect therein, provided it be therein alleged that the Party committed has been convicted, and there be a good and valid Conviction to sustain the same.

As to Actions.

XXVII. And be it enacted, That no Action shall be brought against any Justice of the Peace or other Person for anything done in pursuance or under the Authority of this Act, unless such Action shall be commenced within Two Calendar Months next after the Fact committed, and no such Action shall be commenced until One Calendar Month at least after a Notice in Writing of such intended Action shall have been delivered to the Defendant, or left for him at his usual Place of Abode, by the Party intending to commence such Action, or by his Attorney or Agent, in which said Notice the Cause of Action shall be clearly and explicitly stated, and upon the Back thereof shall be endorsed the Name and Place of Abode of the Parties so intending to sue, and also the Name and Place of Abode or of Business of the said Attorney or Agent, if such Notice have been served by such Attorney or Agent; and in every such Action the Venue shall be laid in the County where the Act complained of

was committed, or, in Actions in the County Court, the Action shall be brought in the Court within the Jurisdiction of which the Act complained of was committed; and the Defendant in any such Action shall be allowed to plead the General Issue therein, and to give any special Matter of Defence, Excuse, or Justification in Evidence under such Plea, at the Trial of such Action; and in every such Case, after Notice of Action shall be given as aforesaid, and before such Action shall be commenced, the Defendant to whom such Notice shall be given may tender to the Party complaining, or to his Attorney or Agent, such Sum of Money as he may think fit, as Amends for the Injury complained of in such Notice; and after such Action shall have been commenced, and at any Time before Issue joined therein, such Defendant, if he have not made such Tender, shall be at liberty to pay into Court such Sum of Money as he may think fit; and which said Tender and Payment of Money into Court, or either of them, may afterwards be given in Evidence by the Defendant at the Trial under the General Issue aforesaid; and if it shall be found at the Trial that the Plaintiff is not entitled to Damages beyond the Sum tendered or paid into Court, or beyond the Sums so tendered and paid into Court, the Defendant shall be entitled to a Verdict, and the Plaintiff shall not be at liberty to elect to be nonsuit, and the Sum of Money, if any, so paid into Court, or so much thereof as shall be sufficient to pay or satisfy the Defendant's Costs in that Behalf, shall thereupon be paid out of Court to him, and the Residue, if any, shall be paid to the Plaintiff; or if, where Money is so paid into Court in any such Action, the Plaintiff shall elect to accept the same in satisfaction of his Damages in the said Action, he may obtain from any Judge of the Court in which such Action shall be brought an Order that such Money shall be paid out of Court to him, and that the Defendant shall pay him his Costs, to be taxed; and thereupon the said Action shall be determined, and such Order shall be a Bar to any other Action for the same Cause.

Venue in Actions.

XXVIII. And be it enacted, That if at the Trial of any such Action the Plaintiff shall not prove that such Action was brought within the Time herein-before limited in that Behalf, or that such Notice as aforesaid was given One Calendar Month before such Action was commenced, or if he shall not prove the Cause of Action stated in such Notice, or if he shall not prove that such Cause of Action arose in the County or Place laid as Venue in the Margin of the Declaration, or when such Plaintiff shall sue in the County Court within the District for which such Court is holden, then and in every such Case such Plaintiff shall be nonsuit, or the Defendant shall be entitled to a Verdict; and the Defendant shall in all Cases where he shall obtain Judgment, upon Verdict or otherwise, be entitled to his full Costs in that Behalf, to be taxed as between Attorney and Client.

Costs.

XXIX. And

Meaning of certain Words.

XXIX. And be it enacted, That for the Purposes of this Act the following Words and Expressions are intended to have the Meanings hereby assigned to them respectively, so far as such Meanings are not excluded by the Context or by the Nature of the Subject Matter; (that is to say,)

The Word "Justice" shall be taken to mean a Justice of the Peace or Magistrate for the County, City, Borough, Liberty, Cinque Port, Riding, or other Jurisdiction in which any Offence against this Act shall be committed, or in which the Matter requiring the Cognizance of any Justice of the Peace or Magistrate shall arise:

The Word "Animal" shall be taken to mean any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Hog, Pig, Sow, Goat, Dog, Cat, or any other domestic Animal:

The Word "Constable" shall be taken to mean any Headborough, Parish Beadle, Peace Officer, Special Constable, or any Person belonging to the Metropolitan or City of *London* Police Forces, or any Constabulary Force in any Part of the United Kingdom:

The Expression "House of Correction" shall be taken to mean the House of Correction or Common Gaol for the County, City, Borough, Liberty, Cinque Port, Riding, or other Jurisdiction for which the Justice of the Peace by whom any Person shall be committed under the Provisions of this Act shall act:

And, subject to the Context and to the Nature of the Subject Matter, Words denoting the Singular Number are to be understood to apply also to a Plurality of Persons, Animals, or Things; and Words denoting the Masculine Gender are to be understood to apply also to Persons and Animals of the Feminine Gender; and the Word "over-drive" shall also signify override.

Act not to extend to Scotland

XXX. And be it enacted, That this Act shall not extend or apply to *Scotland*.

Act may be amended, &c

XXXI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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Commission issued under the said Act, cease and determine, but, as to the Residue of the Parts and Places within the Limits of such other Commission of Sewers, shall continue as if such Residue only had been originally within the Limits thereof; and it shall be lawful for the Lord Chancellor, when he shall think fit to direct the Issue of such Commission as aforesaid under this Act, to appoint any fit Person or Persons to ascertain the Debts and Liabilities of such other Commission, and to apportion, as between the Metropolitan Commissioners of Sewers and the Commissioners under such other Commission, the Liabilities subsisting under such other Commission, in such Manner as may appear just; and such Portion of the Debts and Liabilities as the Person or Persons so appointed may think just, and the Expenses of such Apportionment, shall be paid or provided for by the Metropolitan Commissioners of Sewers, and may be levied by Rates to be made on such of the Parts and Places within the Limits of their Commission as were previously within the Limits of such other Commission of Sewers, or by Monies borrowed, or otherwise, as they may think fit.

Commissioners may agree to undertake Works of Paving.

III. And be it enacted, That the said Commissioners may agree with any Paving Board or Authorities in Matters of Paving for the undertaking the paving of any District or Place on such Terms as may be agreed on where the Commissioners and such Board or Authorities deem that Sewerage Works and the Convenience and Health of the Public would be promoted thereby.

Commissioners may make Compensation in Cases of accidental Damage.

IV. And be it enacted, That in all Cases where, either from Accident or Failure of Works under the Control of the Commissioners, Damage or Loss is occasioned to any Person, the Commissioners may, where they think fit, make such reasonable Compensation as to the Commissioners seems just for such Damage and Loss, although such Compensation may not be recoverable at Law against the Commissioners.

Works of cleansing may be performed in the Daytime under Precautions.

V. And whereas Doubts have been raised as to the Power of the Commissioners to order certain Works of cleansing to be done except at Night: Be it declared and enacted, That, notwithstanding the Provisions of any Act concerning the Police of the Metropolis or other Acts to the contrary, the said Commissioners may order or authorize their Officers, Workmen, or Contractors to carry on all Operations of cleansing Privies, Cesspools, and Places of the like Character within the Limits of the said Act, and to remove all Filth, Soil, and Matter, and to carry on all Works connected therewith, in the Daytime, the Commissioners taking all proper Care to prevent, as far as possible, Nuisance, Annoyance, or Delay; and any Contractor

tractor or Person employed by the Commissioners who omits to take all such reasonable Precautions as the Case admits of for the preventing Nuisance, Annoyance, or Delay in such Operations shall be liable to a Penalty of Five Pounds for every such Offence, and the like Penalty for every Day after the first during which the same Offence is continued.

Penalty for not delivering Copies of Rates to Commissioners when required

VI. And be it enacted, That when the Commissioners require a Copy or Extract of a Poor Rate Book from any Vestry Clerk or other Person, the same shall be delivered within such Time, not less than Seven Days, as the Commissioners require, and in default they may impose on such Vestry Clerk or other Person a Penalty of Twenty Pounds, and a Penalty of Five Pounds for every Day during which such Vestry Clerk or other Person delays to supply such Copy.

Rates may be partly prospective and partly retrospective

VII. And whereas Doubts have been raised whether Rates under the said Act must not be made either wholly prospectively or wholly retrospectively: Be it therefore declared and enacted, That such Rates may, in respect of any Expenses whatever, be made partly prospectively and partly retrospectively.

District and special Sewers Rates.

VIII. And be it enacted, That the District Sewers Rate and any other Sewers Rate may be made in respect of a Period shorter or longer than for One Year, and the Commissioners shall not be compelled or compellable in any Case to make a special Sewers Rate.

Contributions towards building Sewers.

IX. And be it enacted, That the Commissioners may accept and order Payment by such Instalments as they think fit of Contribution towards the building of Sewers into which Parties are required to drain; and whenever the Commissioners, in pursuance of the recited Act, order the Owner or Occupier of a House to construct a covered Drain from such House to a Sewer made within Thirty-five Years before the passing of that Act, they may (unless any Owner or Occupier of such House have previously contributed in respect of such House towards the Expense of the original Construction of such Sewer,) order the Owner or Occupier of such House to contribute and pay to the Commissioners, or to such Person as they think fit, such Sum as the Commissioners think just towards such Expense, notwithstanding there be a Drain made (either with or without the Permission of the Commissioners) from such House communicating with such Sewer, unless such existing Drain be in the Judgment of the Commissioners sufficient for the proper Drainage of such House; and after any such Sum is ordered to be paid, the same may be recovered as a Debt due to the Commissioners or other Persons to whom the same is ordered to be paid from the Party ordered to pay, or if the

the same is ordered to be paid to the Commissioners the Amount may be recovered by Distress and Sale of the Goods and Chattels of the Person liable to pay the same.

Amount of Improvement Rate may include Expenses of making and recovering Rate.

X. And be it enacted, That the Amount of any Improvement Rate which the Commissioners may levy may, if they think fit, be such Amount as in their Judgment will be sufficient to discharge, not only the Expenses in respect of which the Rate is levied, with Interest thereon at a Rate not exceeding Five Pounds in the Hundred, but also such a Sum as will meet the Expenses, or what is, in the Judgment of the Commissioners, a due Proportion of the Expenses, incurred and to be incurred in and about the making and recovering of such Rate.

For Recovery of Improvement Rates in certain Cases.

XI. And be it enacted, That whenever any Premises in respect of which any Expenses authorized to be paid by an Improvement Rate have been incurred are wholly or partly destroyed, pulled down, or suffered to fall into Decay, or are unoccupied for more than Twelve successive Months, or are subdivided, or have their Boundaries altered, and whenever, for any other Cause, it appears to the Commissioners that the Recovery of such Expenses by an Improvement Rate may be impracticable, or practicable only at an undue Cost, or with undue Difficulty or Delay, then and in any such Case the Commissioners may at any Time, if they think fit, by their Order or Decree direct that such Expenses, or such Part thereof as (after applying towards the Discharge of such Expenses, with Interest, the Rate or Rates, if any previously levied,) remain unpaid, shall be paid as Charges for Default; and the Commissioners may also at any Time, if they think fit, by their Order or Decree charge the unpaid Amount of such Expenses, with Interest, upon the Site of such Premises, and order that such unpaid Expenses and Interest shall be paid by the Owner for the Time being of such Site; and in such Case such unpaid Expenses and Interest shall be paid by such Owner, and shall be recoverable in like Manner as by the recited Act provided with respect to the Payment and Recovery of the Costs, Charges, and Expenses of and incidental to the making and putting in force of any Order or Decree of any Court of Sewers touching any Matter or Thing within the Jurisdiction of the Commissioners.

Rate may be recovered by Action.

XII. Provided always, and be it enacted, That the Commissioners, if they think it expedient so to do, may bring in the Name of their Clerk any Action of Debt or special Action on the Case in any of the Superior Courts for any Rate exceeding Twenty Pounds, in which Action it shall be sufficient to declare that the Defendant is indebted

to

to the Commissioners in such Sum of Money as the Commissioners suppose to be due; and if they recover such Sum, or any Part thereof, they shall have full Costs, to be levied and recovered as other Monies upon Judgments are now by Law levied and recovered.

Several Names may be included in One Warrant.

XIII. And be it enacted, That the Commissioners may include any Number of Names and Sums in any Warrant of Distress.

Commissioners may prepare Forms of Notices, &c.

XIV. And be it enacted, That the Commissioners may, if they think fit, from Time to Time prepare such Forms of any Notices, Presentments, Rates, Warrants, Precepts, Summonses, and other Process and Proceedings for any of the Purposes of the Commission, as they think most convenient, and alter and revoke such Forms; and every such Form, sanctioned by the Order or Decree of a special Court, may, and when so directed by such Order or Decree shall, until the same is altered or revoked by the Order or Decree of a subsequent special Court, be used for the Purposes indicated by the Order or Decree sanctioning the same, and shall, according to the Terms of such Order or Decree, be as valid and effectual to all Intents and Purposes as if such Form were by this Act enacted and authorized or directed to be used accordingly.

Clerk to be Secretary.

XV. And be it enacted, That after the passing of this Act the Chief Clerk to the Commissioners shall be called the Secretary, and the Word "Clerk" in the recited Act and this Act and in any other Act relating to the Commissioners and in any Commission issued under the recited Act respectively shall include "Secretary."

"Surveyor" to include "Engineer"

XVI. And be it enacted, That after the passing of this Act the Word "Surveyor" in the recited Act and this Act and in any other Act relating to the Commissioners and in any Commission issued under the recited Act respectively shall include "Engineer;" and the Commissioners may from Time to Time, if they think fit, by their Order direct which, if any, of their Officers shall be called Engineers, and which, if any, of their Officers shall be called Surveyors.

Mortgages and Annuities.

XVII. And be it enacted, That the Commissioners may borrow Money to pay off any Debt not actually due, or for redeeming Annuities, or otherwise, as they may deem beneficial; and the Commissioners may, for the Purpose of raising Money, instead of making Mortgages under the said Act, grant Annuities for Lives or Years, to be paid out of the Rates, as they think fit; and, notwithstanding any Act shall not pass for the Renewal of the said Act, any Mortgage or Annuity granted or Liability contracted by the Commissioners shall after the Expiration of the said Act be valid and in full Force;

 and

and the Justices of the several Counties of *Middlesex*, *Surrey*, *Kent*, and *Essex*, in Quarter Sessions assembled, shall, as to the Parts within the Limits of the Commissions subject to their respective Jurisdictions, make such Rate for the Payment of the Monies from Time to Time due on such Mortgages and Annuities and Liabilities as the Commissioners might make if the Commission under the said Act had continued in full Force.

Act of 1848 and this Act to be One Act.

XVIII. And be it enacted, That the Metropolitan Sewers Act, 1848, as amended by this Act, and this Act, shall be One Act, and shall be put in execution accordingly.

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First Election of Local Board of Health for Taunton.

II. And be it enacted, That the First Election of the Local Board of Health for the Borough of *Taunton* for the Purposes of the said Public Health Act shall take place on the Fourteenth Day of *September* in the Year of our Lord One thousand eight hundred and forty-nine.

First Election of Local Board of Health for Croydon.

III. And be it enacted, That the First Election of the Local Board of Health for the Town of *Croydon* for the Purposes of the said Public Health Act shall take place on the Twenty-ninth Day of *August* in the Year of our Lord One thousand eight hundred and forty-nine.

First Election of Local Board of Health for Chatham.

IV. And be it enacted, That the First Election of the Local Board of Health for that Part of *Chatham* lying without the Liberties of the City of *Rochester*, to wit, *Chatham Extra*, for the Purposes of the said Public Health Act, shall take place on the Twenty-ninth Day of *August* in the Year of our Lord One thousand eight hundred and forty-nine.

First Election of Local Board of Health for Sheerness.

V. And be it enacted, That the First Election of the Local Board of Health for the Parish of *Minster*, *Isle of Sheppey*, for the Purposes of the said Public Health Act, shall take place on the Twenty-ninth Day of *August* in the Year of our Lord One thousand eight hundred and forty-nine.

First Election of Local Board of Health for Ware.

VI. And be it enacted, That the First Election of the Local Board of Health for the Town of *Ware* for the Purposes of the said Public Health Act shall take place on the Twenty-ninth Day of *August* in the Year of our Lord One thousand eight hundred and forty-nine.

First Election of Local Board of Health for Uxbridge.

VII. And be it enacted, That the First Election of the Local Board of Health for the Town of *Uxbridge* for the Purposes of the said Public Health Act shall take place on the Twenty-ninth Day of *August* in the Year of our Lord One thousand eight hundred and forty-nine.

Local Board of Health may contract for lighting.

VIII. And whereas it is expedient that the Local Boards of Health for the Execution of the Public Health Act, 1848, should be invested with certain Powers not included in that Act: Be it therefore enacted, That the said Local Boards constituted under the said Public Health Act may contract for any Period not exceeding Three Years at any One Time with any Company or Person for the Supply of Gas or Oil, or other Means of lighting the Streets, Roads, and other open Places, Markets, and public Buildings within their respective Districts,

tricts, and may provide such Lamps, Lamp Posts, and other Materials and Apparatus as such Local Boards respectively may think necessary for lighting the same; and the Expenses incurred by any such Local Board in so doing shall be defrayed out of the general or special District Rates (as the Nature of the Case may require) levied under the said Public Health Act.

Printed Copies of Provisional Orders to be delivered to both Houses of Parliament.

IX. And be it enacted, That every Provisional Order issued by the General Board of Health relating to any City, Borough, or Place which shall be included under or enumerated in the Schedule of any Bill for confirming certain Provisional Orders of the General Board of Health, shall be printed, and printed Copies thereof shall be delivered to the Doorkeepers of both Houses of Parliament, for the Use of the Members of such Houses respectively, before the First Reading of such Bill.

Construction of certain Expressions used in the Public Health Act, 1848.

X. And be it declared and enacted, That the Expression "Corporate Borough" whenever used in the Public Health Act, 1848, shall be construed to include any City, Borough, Port, Cinque Port, or Town Corporate named in the Schedules annexed to an Act passed in the Sixth Year of the Reign of King *William* the Fourth, intituled *An Act to provide for the Regulation of Municipal Corporations in* England *and* Wales, and to any City, Borough, Port, Cinque Port, or Town Corporate incorporated by Charter granted or to be granted in pursuance of that or any subsequent Act; and the Word "Burgesses" wherever used in the said Public Health Act shall be construed to mean Citizens in the Case of a City.

Act incorporated with Public Health Act, 1848.

XI. And be it enacted, That this Act shall be deemed to be incorporated with the Public Health Act, and shall be as if this Act and the said Public Health Act were One Act.

Short Title of this Act.

XII. And be it enacted, That in citing this Act in any other Act of Parliament, or in any Proceeding, Instrument, or Document whatsoever, it shall be sufficient to use the Words and Figures "The Public Health Supplemental Act, 1849."

Act may be amended, &c.

XIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

SCHE-

## SCHEDULE to which this Act refers.

PROVISIONAL ORDERS of the GENERAL BOARD OF HEALTH, submitted for the Confirmation of Parliament.

PLACES to which the Orders apply.

| | |
|---|---|
| Taunton. | New Windsor. |
| Worcester. | Carmarthen. |
| Ware. | Gloucester. |
| Sheerness. | Lancaster. |
| Kendal. | Croydon. |
| Durham. | Uxbridge. |
| Leicester. | Coventry. |
| Chatham. | |

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. XCV.

### An Act to amend the Law concerning Judgments in *Ireland*. [1st *August* 1849.]

WHEREAS an Act of the Parliament of *Ireland* was passed in the Ninth Year of King *George* the Second, intituled *An Act for the more effectual assigning of Judgments, and for the more speedy Recovery of Rents by Distress;* and an Act of the Parliament of *Ireland* was passed in the Twenty-fifth Year of King *George* the Second, intituled *An Act to explain and amend an Act passed in the Ninth Year of the Reign of His present Majesty, intituled 'An Act for the more effectual Assignment of Judgments, 'and for the more speedy Recovery of Rents by Distress,' so far as the said Act relates to the Assignment of Judgments and Statutes, and to prevent great Inconveniences that frequently happen to the Suitors of the Court of Chancery by the Death or Removal of a Six Clerk or Six Clerks of the said Court, and to enable Grand Juries to make Presentments for the Clerks of the Crown and Peace:* And whereas by an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for facilitating the Appointment of Sheriffs in* Ireland, *and the more effectual Audit and passing of their Accounts; and for the more speedy Return and Recovery of Fines, Fees, Forfeitures, Recognizances, Penalties, and Deodands; and to abolish certain*

9 G. 2. (I.)

25 G. 2. (I.)

5 & 6 W. 4. c. 55.

*Offices in the Court of Exchequer in* Ireland; *and to amend the Laws relating to Grants in custodiam and Recovery of Debts in* Ireland; *and to amend an Act of the Second and Third Years of His present Majesty, for transferring the Powers and Duties of the Commissioners of Public Accounts in* Ireland *to the Commissioners for auditing the Public Accounts of* Great Britain, it was enacted, that it should be lawful for any Person entitled to sue out or who had already sued out a Writ of Elegit upon any Judgment recovered in any of His Majesty's Courts at *Dublin*, or to issue or who had issued Execution in any Suit or Proceeding on any Recognizance there, to apply by Petition to the Court of Chancery, or to the Court of Exchequer at the Equity Side thereof, for an Order that a Receiver might be appointed of the Rents and Profits of the entire, and not of a Moiety only, of all Lands, Tenements, or Hereditaments which he would be entitled to have extended or appraised under a Writ of Elegit, or extended, seized, or taken under a Writ of Levari facias, or other Proceeding on such Recognizance, or to have a Receiver thereof appointed by that Court extended to that Matter, and it should be lawful for the Court to appoint or extend a Receiver accordingly over the whole thereof, or over so much thereof as should appear to it sufficient for the Purposes of paying the Sum due on such Judgment or Recognizance: And whereas by an Act passed in the Fourth Year of Her Majesty's Reign, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for the further Amendment of the Law and the better Advancement of Justice in* Ireland, it was enacted, that it should be lawful for the Sheriff or other Officer to whom any Writ of Elegit, or any Precept in pursuance thereof, should be directed at the Suit of any Person upon any Judgment which at the Time appointed for the Commencement of that Act should have been recovered, or should be thereafter recovered in any Action in any of Her Majesty's Superior Courts at *Dublin*, to make and deliver Execution unto the Party in that Behalf suing of all such Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments, including Lands and Hereditaments which might be of Copyhold Tenure, as the Person against whom Execution was so sued, or any Person in trust for him, should have been seised or possessed of at the Time of entering up the said Judgment, or at any Time afterwards, or over which such Person should at the Time of entering up such Judgment, or at any Time afterwards, have any disposing Power which he might without the Assent of any other Person exercise for his own Benefit, in like Manner as the Sheriff or other Officer might then make and deliver Execution of One Moiety of the Lands and Tenements of any Person against whom a Writ of Elegit was sued out, which Lands, Tenements, Rectories, Tithes,

3 & 4 Vict. c. 105.

Rents, and Hereditaments by force and virtue of such Execution should accordingly be held and enjoyed by the Party to whom such Execution should be so made and delivered, subject to such Account in the Court out of which such Execution should have been sued out as a Tenant by Elegit was then subject to in a Court of Equity; and it was enacted, that it should be lawful for any Person entitled to sue out or who had already sued out a Writ of Elegit upon any Judgment recovered in any of Her Majesty's Courts at *Dublin*, or to issue or who had issued Execution in any Suit or Proceeding on any Recognizance there, to apply by Petition to the Court of Chancery, or to the Court of Exchequer at the Equity Side thereof, for an Order that a Receiver might be appointed over any Lands, Tenements, Rectories, Tithes, Annuities, Rents, or Hereditaments by that Act made liable to be seized, extended, appraised, or taken in Execution on any such Judgment, or to order that any Receiver appointed before the passing of that Act over the Property of any Judgment Debtor might be extended to the Matter of such new Petition, and that in proceeding under the said Act of the Sixth Year of King *William* the Fourth and the Act now in recital the said Court of Chancery and Court of Exchequer at the Equity Side thereof should have Power to appoint or extend a Receiver in a summary Way, on a Petition at the Instance of such Person, over any Property of such Judgment Debtor which such Creditor would or could make available for the Payment of his Judgment Debt by filing (after a Writ of Execution had been issued and returned at Law upon such Judgment) a Bill in a Court of Equity, or by any Writ of Execution at Law, or (subject to the Proviso therein-after contained) by Petition under the Provisions of the Act now in recital, and it should be lawful for the said Courts respectively to appoint or extend a Receiver accordingly over the whole thereof, or over so much thereof as should appear to be sufficient for the Purposes of paying the Sum due on such Judgment or Recognizance; and it was enacted, that a Judgment already entered up or to be thereafter entered up against any Person in any of Her Majesty's Superior Courts at *Dublin* should operate as a Charge upon all Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments, including Lands and Hereditaments of Copyhold Tenure, of or to which such Person should at the Time of entering up such Judgment, or at any Time afterwards, be seised, possessed, or entitled for any Estate or Interest whatever at Law or in Equity, whether in possession, reversion, remainder, or expectancy, or over which such Person should at the Time of entering up such Judgment, or at any Time afterwards, have any disposing Power which he might without the Assent of any other Person exercise for his own Benefit, and should be binding as against the Person against whom Judgment should be so entered up, and against all Persons claiming under him after such

such Judgment, and should also be binding as against the Issue of his Body, and all other Persons whom he might without the Assent of any other Person cut off and debar from any Remainder, Reversion, or other Interest in or out of any of the said Lands, Tenements, Rectories, Advowsons, Tithes, Rents, and Hereditaments, and that every Judgment Creditor should have such and the same Remedies in a Court of Equity against the Hereditaments so charged by virtue of that Act or any Part thereof as he would be entitled to in case the Person against whom such Judgment should have been so entered up had Power to charge the same Hereditaments, and had by Writing under his Hand agreed to charge the same with the Amount of such Judgment Debt and Interest thereon, subject to the Provisoes in such Act contained; and by the lastly-recited Act the Effect of Judgments in the Superior Courts of Common Law was given to certain Decrees, Orders, and Rules for Payment of Monies, Costs, Charges, and Expenses: And whereas it is expedient to amend the Law concerning Judgments in *Ireland*: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the passing of this Act all the Provisions of the said Acts of the Ninth and Twenty-fifth Years of King *George* the Second relating to Judgments, Statutes Staple, and Statutes Merchant, shall be repealed, save so far as respects Judgments entered up before the passing of this Act.

Repeal (in part) of recited Acts of 9 G. 2. (I.) and 25 G. 2. (I.), save as to certain Judgments.

II. And be it enacted, That from and after the passing of this Act the Provisions herein-before recited of the said Acts of the Sixth Year of King *William* the Fourth and the Fourth Year of Her Majesty shall not in any wise extend or be applicable to any Judgment entered up after the passing of this Act in respect of any Sum then actually due for Principal and Interest (exclusively of Costs, and over and above all just and fair Allowances), not exceeding the Sum of One hundred and fifty Pounds, save only such Judgments as shall be entered up before the Thirty-first Day of *December* One thousand eight hundred and forty-nine upon any Warrant of Attorney or Cognovit actionem given before the passing of this Act, nor to any Decree, Order, or Rule made after the passing of this Act where the whole Amount therein ordered to be paid shall not exceed One hundred and fifty Pounds; and the Judgments, Decrees, Orders, and Rules respectively to which under this Act the Provisions of the said Acts of the Sixth Year of King *William* the Fourth and the Fourth Year of Her Majesty shall not extend or be applicable are herein-after respectively referred to as Judgments, Decrees, Orders, and Rules subject to the Provisions of this Act.

Recited Provisions of 5 & 6 W. 4. c. 55. and 3 & 4 Vict. c. 105. not to extend to Judgments, Decrees, Orders, or Rules for Sums not exceeding 150*l.*

III. And

III. And be it enacted, That the Sheriff or other Officer to whom any Writ of Elegit, or any Precept in pursuance thereof, is directed at the Suit of any Person upon any Judgment subject to the Provisions of this Act recovered in any Action in any of Her Majesty's Superior Courts at *Dublin*, shall make and deliver Execution unto the Party in that Behalf suing of all such Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments only (including Lands and Hereditaments which may be of Copyhold Tenure) as the Person against whom Execution is so sued, or any Person in trust for him, is seised or possessed of at the Time when such Writ of Elegit is delivered to the Sheriff or other Officer to be executed, or over which the Person against whom Execution is so sued has at the Time when such Writ of Elegit is delivered as aforesaid any disposing Power which he might without the Assent of any other Person exercise for his own Benefit, which Lands, Tenements, Rectories, Tithes, Rents, and Hereditaments by force and virtue of such Execution shall accordingly be held and enjoyed by the Party to whom such Execution shall be so made and delivered, subject to such Account in the Court out of which such Execution shall have been sued out as a Party to whom Execution is made and delivered under the recited Provision of the said Act of the Fourth Year of Her Majesty is made subject to under such Provision.

**What Lands may be delivered in Execution on Judgments subject to the Provisions of the Act.**

IV. And be it enacted, That any Creditor under a Judgment subject to the Provisions of this Act on which a Writ of Elegit has been sued out shall have the same Rights and Remedies in Equity, upon and in respect of such Lands, Tenements, and Hereditaments as might under this Act be delivered in Execution under such Elegit, as such Creditor might have had in respect of the Lands, Tenements, and Hereditaments, or Moiety of Lands, Tenements, and Hereditaments, which might have been delivered in Execution under a Writ of Elegit in case the recited Provisions of the said Acts of the Sixth Year of King *William* the Fourth and of the Fourth Year of Her Majesty had not been enacted.

**Rights of Judgment Creditor in Equity.**

V. And be it enacted, That in the Administration in Courts of Equity of the Assets of any Person against whom any Judgment subject to the Provisions of this Act may be recovered who shall die seised of or entitled to any Estate or Interest in Lands, Tenements, or Hereditaments, the Judgment Creditor shall under such Judgment have the same Rights upon and in respect of such Lands, Tenements, or Hereditaments as if this Act had not been passed.

**Rights of Judgment Creditor in Administration of Assets.**

VI. Provided always, and be it enacted, That every Conveyance and other Act whatsoever of and concerning Lands, Tenements, or Hereditaments

**Voluntary Conveyances after Judgment entered**

up void as against the Creditor. 10 Car. 1. st. 2. c. 3. (I.)

Hereditaments which under an Act of the Parliament of *Ireland* passed in the Tenth Year of King *Charles* the First, intituled *An Act against covenous and fraudulent Conveyances*, would be deemed void against Purchasers for Money or other good Consideration, shall be void as against any Judgment Creditor whose Judgment shall have been entered up before such Conveyance or other Act, and the like Execution and other Remedies may be had under such Judgment in respect of such Lands, Tenements, and Hereditaments as if such Conveyance or other Act had not been made or done: Provided also, that nothing herein contained shall in anywise affect the Provisions of the same Act concerning Conveyances and other Acts had or made to the Intent to delay, hinder, or defraud Creditors.

Decrees, Orders, and Rules to have the same Effect as Judgments.

VII. And be it enacted, That all Decrees and Orders of the Court of Chancery, and of the Court of Exchequer at the Equity Side thereof, and all Rules of any of the Superior Courts of Common Law, and all Orders of the Lord Chancellor or Master of the Rolls or of the Court of Commissioners of Bankruptcy, and all Orders of the Lord Chancellor in Matters of Lunacy, to which the Effect of Judgments in the Superior Courts of Common Law was given by the said Act of the Fourth Year of Her Majesty, shall, where the same respectively shall be Decrees, Orders, and Rules subject to the Provisions of this Act, have the Effect of Judgments subject to the Provisions of this Act recovered in the Superior Courts of Common Law, and the Persons to whom any Monies, Costs, Charges, and Expenses are by such Decrees, Orders, and Rules respectively directed to be paid shall have the Remedies to which Judgment Creditors under such Judgments will have and be entitled to.

Judgments of Inferior Courts removed to have no further Force than Judgments of Superior Courts.

VIII. And be it enacted, That any Judgment, Rule, or Order subject to the Provisions of this Act (or which would be so subject if the same were a Judgment, Rule, or Order of one of the Superior Courts of Common Law,) obtained in or made by any Inferior Court of Record which shall, under the Provisions of the said Act of the Fourth Year of Her Majesty, be removed into any of Her Majesty's Superior Courts of Record at *Dublin*, shall have no further Force or Effect than a Judgment, Rule, or Order subject to the Provisions of this Act recovered in or made by such Superior Court; but, save as aforesaid, any Judgment, Rule, or Order so removed shall be subject to the Provisions of the said Act of the Fourth Year of Her Majesty in relation to Judgments, Rules, or Orders removed into any of such Superior Courts.

New Writs to be framed.

IX. And be it enacted, That such new or altered Writs shall be sued out of the Courts of Law and Equity and Court of Commissioners

of Bankrupt as may by such Courts respectively be deemed necessary or expedient for giving Effect to the Provisions herein-before contained, and in such Forms as the Judges of such Courts respectively shall from Time to Time think fit to order, and the Execution of such Writs shall be enforced in such and the same Manner as the Execution of Writs of Execution is now enforced, or as near thereto as the Circumstances of the Cases will admit, and that any existing Writ the Form of which shall be in any Manner altered in pursuance of this Act shall nevertheless be of the same Force and Virtue as if no Alteration had been made therein, except so far as the Effect thereof may be varied by this Act.

A Receiver not to be appointed or extended until after the Expiration of a Year.

X. And be it enacted, That no Person shall be entitled, in respect of any Judgment, Recognizance, Decree, Order, or Rule whatever, entered up, enrolled, or made after the passing of this Act, to apply, under the Provisions of the said Acts of the Sixth Year of King *William* the Fourth and the Fourth Year of Her Majesty, or either of such Acts, to the Court of Chancery or to the Court of Exchequer at the Equity Side thereof, for an Order that a Receiver may be appointed over any Lands, Tenements, Rectories, Tithes, Annuities, Rents, or Hereditaments, or to have a Receiver thereof previously appointed extended to the Matter of such Application, until after the Expiration of One Year from the Time of the entering up of such Judgment, the Enrolment of such Recognizance, or the making of such Decree, Order, or Rule; and that where any Receiver is appointed or extended in respect of any Judgment, Recognizance, Decree, Order, or Rule entered up, enrolled, or made after the passing of this Act, the Costs incurred by the Person at whose Instance such Receiver is appointed or extended in procuring such Appointment or Extension shall, notwithstanding the Provisions of the said Act of the Sixth Year of King *William* the Fourth, be in every Case paid in the same Priority only as the Debt or Sum secured by the Judgment, Recognizance, Decree, Order, or Rule in respect of which such Appointment or Extension was made.

Costs of Appointment of Receiver to be paid in same Priority as the Debt.

Court may direct substituted Service under Scire facias.

XI. And be it enacted, That where any Writ of Scire facias is issued to revive any Judgment entered up after the passing of this Act, or for obtaining Execution on any such Judgment, if any Person required to be summoned under such Writ be out of the Jurisdiction of the Court in which such Judgment has been recovered, it shall be lawful for such Court, on the Application of the Party prosecuting such Writ, to direct Service of Notice of such Writ on any Agent of the Person required to be summoned as aforesaid, or Notice of such Writ to be otherwise served or given

as

as the Court may think fit, instead of actual Summons of such Person under such Writ; and after such substituted Notice shall have been so served or given, and after the Expiration of such Time as the Court may limit in this Behalf, the like Proceedings may be had as if the Person required to be summoned had been duly summoned, and the Return of such Writ had been made accordingly.

Act may be amended, &c.

XII. And be it enacted, That this Act may be amended or repealed in this present Session of Parliament.

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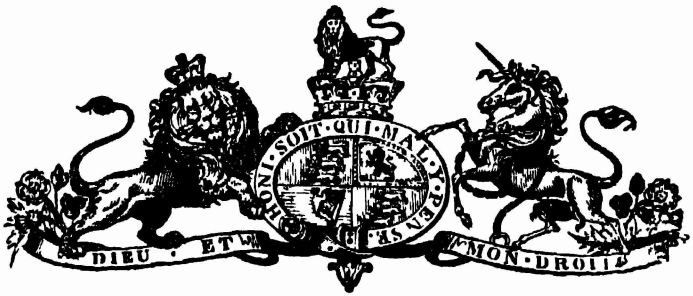


ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. XCVI.

### An Act to provide for the Prosecution and Trial in Her Majesty's Colonies of Offences committed within the Jurisdiction of the Admiralty.

[1st *August* 1849.]

WHEREAS by an Act passed in the Eleventh Year of the Reign of King *William* the Third, intituled *An Act for the more effectual Suppression of Piracy*, it is enacted, that all Piracies, Felonies, and Robberies committed on the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be examined, inquired of, tried, heard, and determined, and adjudged, in any Place at Sea or upon the Land in any of His Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories, to be appointed for that Purpose by the King's Commission, in the Manner therein directed, and according to the Civil Law and the Method and Rules of the Admiralty: And whereas, by an Act passed in the Forty-sixth Year of the Reign of King *George* the Third, intituled *An Act for the speedy Trial of Offences committed in distant Parts upon the Sea*, it is enacted, that all Treasons, Piracies, Felonies, Robberies, Murders, Conspiracies, and other Offences of what

10 & 11 W. 3. c. 7.

46 G. 3. c. 54.

what Nature or Kind soever, committed upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, may be inquired of, tried, heard, determined, and adjudged, according to the common Course of the Laws of this Realm used for Offences committed upon the Land within this Realm, and not otherwise, in any of His Majesty's Islands, Plantations, Colonies, Dominions, Forts, or Factories under and by virtue of the King's Commission or Commissions under the Great Seal of *Great Britain*, to be directed to Commissioners in the Manner and with the Powers and Authorities therein provided: And whereas it is expedient to make further and better Provision for the Apprehension, Custody, and Trial in Her Majesty's Islands, Plantations, Colonies, Dominions, Forts, and Factories of Persons charged with the Commission of such Offences on the Sea, or in any such Haven, River, Creek, or Place as aforesaid: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That if any Person within any Colony shall be charged with the Commission of any Treason, Piracy, Felony, Robbery, Murder, Conspiracy, or other Offence, of what Nature or Kind soever, committed upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, or if any Person charged with the Commission of any such Offence upon the Sea, or in any such Haven, River, Creek, or Place shall be brought for Trial to any Colony, then and in every such Case all Magistrates, Justices of the Peace, public Prosecutors, Juries, Judges, Courts, public Officers, and other Persons in such Colony shall have and exercise the same Jurisdiction and Authorities for inquiring of, trying, hearing, determining, and adjudging such Offences, and they are hereby respectively authorized, empowered, and required to institute and carry on all such Proceedings for the bringing of such Person so charged as aforesaid to Trial, and for and auxiliary to and consequent upon the Trial of any such Person for any such Offence wherewith he may be charged as aforesaid, as by the Law of such Colony would and ought to have been had and exercised or instituted and carried on by them respectively if such Offence had been committed, and such Person had been charged with having committed the same, upon any Waters situate within the Limits of any such Colony, and within the Limits of the local Jurisdiction of the Courts of Criminal Justice of such Colony.

All Persons charged in any Colony with Offences committed on the Sea, may be dealt with in the same Manner as if the Offences had been committed on Waters within the local Jurisdiction of the Courts of the Colony.

II. Provided always, and be it enacted, That if any Person shall be convicted before any such Court of any such Offence, such Person so convicted

Persons convicted of such Offences

convicted shall be subject and liable to and shall suffer all such and the same Pains, Penalties, and Forfeitures as by any Law or Laws now in force Persons convicted of the same respectively would be subject and liable to in case such Offence had been committed, and were inquired of, tried, heard, determined, and adjudged, in *England*, any Law, Statute, or Usage to the contrary notwithstanding.

shall suffer the like Punishments as on Conviction of like Offences in England.

III. And be it enacted, That where any Person shall die in any Colony of any Stroke, Poisoning, or Hurt, such Person having been feloniously stricken, poisoned, or hurt upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, or at any Place out of such Colony, every Offence committed in respect of any such Case, whether the same shall amount to the Offence of Murder or of Manslaughter, or of being Accessory before the Fact to Murder, or after the Fact to Murder or Manslaughter, may be dealt with, inquired of, tried, determined, and punished in such Colony in the same Manner in all respects as if such Offence had been wholly committed in that Colony; and that if any Person in any Colony shall be charged with any such Offence as aforesaid in respect of the Death of any Person who, having been feloniously stricken, poisoned, or otherwise hurt, shall have died of such Stroke, Poisoning, or Hurt upon the Sea, or in any Haven, River, Creek, or Place where the Admiral or Admirals have Power, Authority, or Jurisdiction, such Offence shall be held for the Purpose of this Act to have been wholly committed upon the Sea.

Provision for the Trial of Murder and Manslaughter, where the Death only happens in the Colony or upon the Sea.

IV. Provided also, and be it enacted, That nothing in this Act contained shall in any way affect or abridge the Jurisdiction of the Supreme Courts of *New South Wales* and *Van Diemen's Land*, as established by an Act passed in the Ninth Year of the Reign of King *George* the Fourth, intituled *An Act to provide for the Administration of Justice in* New South Wales *and* Van Diemen's Land, *and for the more effectual Government thereof, and for other Purposes relating thereto.*

Jurisdiction of the Supreme Courts of New South Wales and Van Diemen's Land preserved. 9 G. 4. c. 83.

V. And be it enacted, That for the Purposes of this Act the Word "Colony" shall mean any Island, Plantation, Colony, Dominion, Fort, or Factory of Her Majesty, except any Island within the United Kingdom, and the Islands of *Man*, *Guernsey*, *Jersey*, *Alderney*, and *Sark*, and the Islands adjacent thereto respectively, and except also all such Parts and Places as are under the Government of the *East India* Company; and the Word "Governor" shall mean the Officer for the Time being administering the Government of any Colony.

Interpretation of Terms.

VI. And

Act may be amended, &c.

VI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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said Parliament in the Seventeenth and Eighteenth Years of the
17 & 18 G. 3. (I.) Reign of King *George* the Third, intituled *An Act for making and keeping in repair a Circular Road round the City of* Dublin: And whereas another Act was passed in the said Parliament, and in the said last-mentioned Years of the Reign of King *George* the Third, intituled
21 & 22 G. 3. (I.) *An Act for the Improvement of the City of* Dublin *by making wide and convenient Passages through the same, and for regulating the Coal Trade thereof:* And whereas another Act was passed in the said Parliament in the Twenty-third and Twenty-fourth Years of
23 & 24 G. 3. (I.) the Reign of King *George* the Third, intituled *An Act for continuing and amending an Act passed in the Twenty-second Year of His present Majesty's Reign, intituled 'An Act for the Improvement of the City of* Dublin *by making wide and convenient Passages through the same, and for regulating the Coal Trade thereof;' and for other Purposes:* And whereas another Act was passed in the said Parliament in the Twenty-fifth Year of the Reign of
5 G. 3. (I.) King *George* the Third, intituled *An Act to amend an Act passed in the Seventeenth and Eighteenth Years of the Reign of His present Majesty, intituled 'An Act for making and keeping in repair a Circular Road round the City of* Dublin:' And whereas another Act was passed in the said Parliament, and in the Twenty-sixth
26 G. 3. (I.) Year of the Reign of King *George* the Third, intituled *An Act for explaining and further amending the several Acts heretofore passed for the Improvement of the City of* Dublin *by making wide and convenient Passages through the same, and for other Purposes:* And whereas another Act was passed in the said Parliament in the Twenty-seventh Year of the Reign of King *George* the Third, intituled
7 G. 3. (I.) *An Act for further explaining and amending the several Acts now in force for making wide and convenient Passages in the City of* Dublin: And whereas another Act was passed in the said Parliament in the Thirtieth Year of the Reign of King *George* the Third,
30 G. 3. (I.) intituled *An Act for the further amending an Act, intituled 'An Act for continuing and amending an Act passed in the Twenty-second Year of His present Majesty's Reign, intituled "An Act for the Improvement of the City of* Dublin *by making wide and convenient Passages through the same, and for regulating the Coal Trade thereof;" and for other Purposes:'* And whereas another Act was passed in the said Parliament in the Thirty-sixth Year of the Reign
36 G. 3. (I.) of King *George* the Third, intituled *An Act to ascertain the Powers of the Commissioners for making wide and convenient Streets in the City of* Dublin, *for opening the Passage from* Sackville Street *to* Carlisle Bridge, *and for laying out new Streets to the Eastward thereof, and to ratify certain Grants theretofore made by the said Commissioners:* And whereas another Act was passed in the said Parliament in the Thirty-ninth Year of the Reign of King

*George*

*George* the Third, intituled *An Act to grant certain Duties therein mentioned to His Majesty, to be applied to the Purpose of making wide and convenient Ways, Streets, and Passages in the City of* Dublin, *and for enabling the Commissioners therein mentioned more effectually to execute the Trusts reposed in them:* And whereas another Act was passed in the said Parliament in the Fortieth Year of the Reign of King *George* the Third, intituled *An Act to amend and explain an Act passed in the Thirty-ninth Year of the Reign of His present Majesty, intituled 'An Act to grant certain 'Duties therein mentioned to His Majesty, to be applied to the 'Purpose of making wide and convenient Ways, Streets, and 'Passages in the City of* Dublin, *and for enabling the Commis-'sioners therein mentioned more effectually to execute the Trusts 'reposed in them:'* And whereas another Act was passed in the said Parliament in the Fortieth Year of the Reign of King *George* the Third, intituled *An Act to amend and render more effectual the Laws now in force for amending and keeping in repair a Circular Road round the City of* Dublin: And whereas another Act was passed in the Forty-seventh Year of the Reign of King *George* the Third, intituled *An Act for improving and rendering more commodious such Parts of the County and the County of the City of* Dublin *as are situate on the South Side of the River* Anna Liffey *and West of His Majesty's Castle of* Dublin, *and for the Appointment of an Inspector of the Presentments and other Accounts of the County of the City of* Dublin: And whereas another Act was passed in the Forty-seventh Year of the Reign of King *George* the Third, intituled *An Act for the more effectual Improvement of the City of* Dublin *and the Environs thereof:* And whereas another Act was passed in the Fifty-fourth Year of the Reign of King *George* the Third, intituled *An Act to explain and amend an Act passed in the Forty-seventh Year of His present Majesty's Reign, for the more effectual Improvement of the City of* Dublin *and the Environs thereof:* And whereas another Act was passed in the Fifty-seventh Year of the Reign of King *George* the Third, intituled *An Act to amend an Act passed in the Forty-seventh Year of His present Majesty's Reign, for improving and rendering more commodious such Parts of the County and County of the City of* Dublin *as are situate on the South Side of the River* Anna Liffey *and West of His Majesty's Castle of* Dublin, *and for the Appointment of an Inspector of the Presentments and other Accounts of the County of the City of* Dublin: And whereas another Act was passed in the Eleventh Year of the Reign of King *George* the Fourth, intituled *An Act to enable the Commissioners of Wide Streets to widen and improve certain Ways, Streets, and Passages in and about the City and County of* Dublin; *and to amend*

39 G. 3. (I.)

40 G. 3. (I.)

40 G. 3. (I.)

47 G. 3. c. lxxiv.

47 G. 3. c. cix.

54 G. 3. c. ccxxi.

57 G. 3. c. xxxix.

11 G. 4. & 1 W. 4. c. cxviii.

*amend and extend the Provisions of Two Acts passed in the Forty-seventh and Fifty-seventh Years of the Reign of His late Majesty, for improving and rendering more commodious such Parts of the County and County of the City of* Dublin *as are situate on the South Side of the River* Anna Liffey *and West of His Majesty's Castle of* Dublin: And whereas another Act was passed in the First Year of Her present Majesty's Reign, intituled *An Act to extend, alter, and enlarge the Powers of several Acts for enabling the Commissioners of Wide Streets in* Dublin *to widen and improve certain Ways, Streets, and Passages in said City and County of* Dublin, *and for raising further Funds to enable the said Commissioners to carry the same into execution:* And whereas another Act was passed in the Fourth and Fifth Years of the Reign of Her present Majesty, intituled *An Act for further extending the Powers of several Acts for enabling the Commissioners of Wide Streets,* Dublin, *to widen and improve certain Ways, Streets, and Passages in the City and County of* Dublin, *and for raising Funds to enable the said Commissioners to carry the same into execution:* And whereas another Act was passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act to extend the Powers of the Commissioners of Wide Streets,* Dublin, *to widen and improve certain Streets and Passages in the City and County of* Dublin: And whereas it is expedient that the said recited Acts, in so far as they relate to the paving, lighting, cleansing, widening, and improving of the Streets and Thoroughfares within the Borough of *Dublin*, and to Turnpike Roads therein, should be repealed, and that other and enlarged Powers and Provisions should be made and granted for these Purposes, and for the sanitary Improvement of the said Borough, and also that the public Markets within the said Borough should be better regulated, and that new Markets should be established therein: And whereas it is expedient that the Fiscal Powers of the Grand Jury of the County of the City of *Dublin* and the Sessions Grand Jury of the City of *Dublin*, so far as they relate to Matters required to be done within the Borough of *Dublin*, should be transferred to the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin:* May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall commence and take effect on the First Day of *January* One thousand eight hundred and fifty-one, and thereupon the said several recited Acts, in so far as they relate to the paving, lighting, cleansing, widening, and improving of the Streets and Thoroughfares within the said Borough of *Dublin*, and to the Turnpike Roads therein, shall be and the same

7 W. 4. & 1 Vict. c. cxxvii.

4 & 5 Vict. c. lxiv.

9 & 10 Vict. c. cccc.

On 1st Jan. 1851 this Act to take effect, and recited Acts repealed, so far as they relate to paving, &c. the Streets of Dublin.



are

are hereby repealed, save and except as to Matters and Things heretofore done under the same, and save so far as they repeal any Acts by them repealed: Provided always, that, except in so far as the same are hereby repealed, the said recited Acts, and all the Powers, Provisions, Penalties, Matters, and Things therein contained, shall be good, valid, and effectual, to all Intents and Purposes, in the same Manner as if this Act had not been passed.

Rates and Monies due and Property under recited Acts vested in the Town Council of Dublin.

II. And be it enacted, That all Rates due or in arrear from any Person, and all Monies due to and all Property and all Choses in Action vested in the Commissioners for widening and improving the Streets of *Dublin*, and also in the Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, respectively, under the said recited Acts or any of them, hereby repealed, at the Time of the Repeal thereof, and all Contracts, Bonds, Debts, and Engagements entered into with, to, or by the Commissioners respectively under the said recited Acts or any of them, hereby repealed, shall immediately after the Commencement of this Act be vested in the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, who may sue for, recover, and enforce the same, and act in respect thereof as effectually as if the same had been vested in or entered into with them under the said recited Acts or any of them, or this Act; and the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin* shall be liable to all the Contracts, Bonds, Debts, and Engagements to which the Commissioners respectively under the said recited Acts or any of them were liable at the Time of the Repeal thereof.

Contracts and Liabilities under the recited Acts, how to be discharged.

III. And be it enacted, That all the Contracts, Bonds, Debts, and Engagements of the Commissioners respectively for executing the said recited Acts or any of them, hereby repealed, which may be owing or in force at the Time of the Commencement of this Act, for or on account or on the Credit of the Rates or Assessments therein authorized to be made and levied, together with all Interest due or to accrue due thereon, shall be paid and discharged by and out of the Rates or Assessments which may be in force at the Time of the Commencement of this Act, or which otherwise have or may come to the Hands of the Council by virtue of the same; and in case of any Deficiency for that Purpose the Amount of such Deficiency shall be raised and paid by the Council by and out of the Rates by this Act authorized to be raised, levied, and collected; and in case there shall be any Surplus of such Monies after paying and discharging such Contracts, Bonds, Debts, and Engagements, the Amount of such Surplus shall be by the said Council carried to the Credit of the said Rates by this Act authorized to be raised and levied; and such Con-

 tracts,

tracts, Bonds, Debts, and Engagements shall have the same Priority, as nearly as Circumstances will admit, and shall be recovered from the Council in like Manner, *mutatis mutandis*, as the same could have been recovered from the said Commissioners respectively before the Commencement of this Act.

For paying off Wide Street Debts

IV. And whereas the said Commissioners for making wide and convenient Ways, Streets, and Passages in the City of *Dublin*, under the Provisions of several Acts relating to the same, hereby repealed, have borrowed from the Lords Commissioners of Her Majesty's Treasury and from the *National* Insurance Company of *Ireland* large Sums of Money on the Credit of the Rates and Assessments established and vested in them by virtue of the said Acts, and for securing the Repayment of the said Monies and the Interest thereon the said Commissioners of Wide Streets have granted Mortgages on the said Rates: And whereas the said Commissioners of Wide Streets have from Time to Time paid off certain Portions of the Sums so borrowed, together with the Interest due thereon, leaving the Sum of Twenty-one thousand two hundred and sixty-three Pounds Twelve Shillings still due and owing to the said Lords Commissioners of Her Majesty's Treasury, and the Sum of Eighteen thousand five hundred Pounds still due and owing to the said *National* Insurance Company: And whereas it is expedient to provide for the Payment of such Debts, by making the same a Charge upon the Rates to be levied under the Provisions of this Act; Be it therefore enacted, That the said Mortgages and Securities for Money which before the Commencement of this Act were duly given and legally payable from and out of the Rates which the said Commissioners of Wide Streets were under the Provisions of the said recited Acts, hereby repealed, entitled to raise and levy, shall, together with all Interest due and to accrue due thereon, be chargeable on and paid by the Lord Mayor, Aldermen, and Burgesses of *Dublin* out of the Rates authorized to be levied and collected under the Provisions of this Act, and the said Lord Mayor, Aldermen, and Burgesses shall discharge such Portions of the Principal Monies so due as aforesaid, with all Interest payable thereon, and also upon the Principal Monies remaining unpaid, at such Times and in such Manner as has heretofore been lawfully done by the said Commissioners of Wide Streets, in compliance with the Obligations contained in the Mortgages and Securities herein-before mentioned, and shall be recovered from the said Lord Mayor, Aldermen, and Burgesses in like Manner as the same might have been recovered from the said Commissioners of Wide Streets if this Act had not been passed.

Old Books to be Evidence.

V. And be it enacted, That all Rate Books, and all Entries therein, and all Registers and Books of Proceedings, and other Books whatsoever,

ever, of the Commissioners respectively, under the said recited Acts, hereby repealed, kept according to the Directions of the said Acts, and made Evidence thereby, or which might have been received as Evidence at the Time of the Commencement of this Act, shall be admitted in Evidence in all Courts, and by all Judges, Justices, and others.

Actions not to abate.

VI. And be it enacted, That no Action, Suit, Prosecution, or other Proceeding whatever, commenced by or against the Commissioners respectively acting in the Execution of the said recited Acts or any of them previous to the Commencement of this Act, shall abate, cease, be discontinued, or prejudicially affected by this Act, but the same shall continue and take effect, both in favour of and against the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, under this Act, in the same Manner in all respects as the same would have continued and taken effect in relation to the Commissioners respectively under the said recited Acts or any of them if this Act had not been passed, and that all Persons who before the passing of this Act have committed any Offence or incurred any Penalty or Forfeiture under the Provisions of the said recited Acts or any of them, so far as the same are hereby repealed, may be sued and prosecuted for such Offences, Penalties, and Forfeitures in such and the like Manner as they might have been sued and prosecuted respectively if this Act had not been passed, the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin* under this Act being in reference to the Matters aforesaid in all respects substituted in place of the Commissioners respectively under the said recited Acts.

Officers acting under recited Acts to continue until removed.

VII. And be it enacted, That every Treasurer, Collector, Clerk, Supervisor of Works, Law Agent, and other Officer appointed by virtue of or acting under the Authority of the said recited Acts hereby repealed, or any of them, and who shall hold and enjoy his Office and Employment at the Commencement of this Act, shall continue to hold his Office and Employment until he shall be removed therefrom by the Council.

Short Title of the Act.

VIII. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments, it shall be sufficient to use the Expression "The *Dublin* Improvement Act, 1849."

Limits of the Act.

IX. And be it enacted, That the Limits of this Act shall be the Municipal Boundaries of the Borough of *Dublin*, and this Act shall and may be put in force within the said Limits or any Part thereof.

X. And

Provisions of 3 & 4 Vict. c. 108., and any Act amending the same, extended to this Act.

X. And be it enacted, That all the Provisions, Matters, and Things contained in the said recited Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, and of any other Act or Acts which may be passed amending the same, shall, where the same may be applicable, and are not inconsistent with the Provisions hereof, extend to this Act, and to the several Purposes and Things hereby authorized to be done, as fully and effectually as though the same Provisions, Matters, and Things were repeated and re-enacted in this Act in reference to such Purposes and Things, and the said Act or Acts and this Act shall be construed and read together as forming One Act.

Council of the Borough to execute the Act.

XI. And be it enacted, That the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, by the Council of the said Borough, shall be and they are hereby empowered to carry this Act into execution.

Council may appoint Committees.

XII. And be it enacted, That the said Council may appoint out of their own Body from Time to Time such and so many Committees, not exceeding Three, and consisting of such Number of Persons as they shall think fit, for all or any of the Purposes of this Act, which, in the Discretion of such Council, would be better regulated and managed by means of such Committees, and may fix the Quorum of such Committees: Provided always, that the Acts of every such Committee shall be submitted to the Council for their Approval.

Secretaries to be appointed to attend Committees

XIII. And be it enacted, That the Council shall appoint a proper Person to act as Secretary, to attend each Committee, and may remove such Person, and in like Manner appoint another Person in his Place; and that no such Secretary shall follow any other Profession, Occupation, or Calling in addition to such Office, but shall devote his entire Time to the Execution of those Duties which he may by the said Council be required from Time to Time to perform; and that each such Secretary shall be paid by the said Council out of the Rates hereby authorized such Salary, not exceeding at the Rate of Four hundred Pounds *per Annum*, as they shall think fit, so long as he shall duly perform the Duties of his Office.

Quorum of Committee

XIV. And be it enacted, That every Committee so appointed may meet from Time to Time, and may adjourn from Place to Place, as they may think proper, for carrying into effect the Purposes of their Appointment; but no Business shall be transacted at any Meeting of the Committee unless the Quorum of Members, if any, fixed by the Council, and if no Quorum be fixed, Three Members, be present;

and at all Meetings of the Committee One of the Members present shall be appointed Chairman, and all Questions shall be determined by a Majority of the Votes of the Members present, and in case of an equal Division of Votes the Chairman shall have a casting Vote, in addition to his Vote as a Member of the Committee.

Treasurer, &c. to hold the same Offices under this Act.

XV. And be it enacted, That the Treasurer and Town Clerk for the Time being of the said Borough shall be the Treasurer and Clerk for the Purposes of this Act.

Certain Provisions of 8 & 9 Vict. c. 16. incorporated with this Act.

XVI. And be it enacted, That all Clauses and Provisions of the "Commissioners Clauses Consolidation Act, 1847," with respect to the following Matters, that is to say,

With respect to the Contracts to be entered into and the Deeds to be executed by the Commissioners,

With respect to the Appointment and Accountability of the Officers of the Commissioners,

With respect to Mortgages to be executed by the Commissioners,

With respect to making of Bye Laws,

With respect to giving of Notices and Orders, and

With respect to the Recovery of Damages not specially provided for, and of Penalties, and to the Determination of any other Matter referred to Justices,

Shall, so far as the same are not varied by the Provisions of this Act, be incorporated with this Act, and such Clauses shall apply to the paving, lighting, cleansing, widening, sewering, and improving the Streets, and also to the Markets, within the said Borough, and to the said Lord Mayor, Aldermen, and Burgesses, or the Council on their Behalf, and shall be construed as if the Expression "The Lord Mayor, Aldermen, and Burgesses of *Dublin*" had been inserted therein instead of the Word "Commissioners," or, where any Act is required or authorized to be done by or to a certain Number of Commissioners, as if the Word "Council" had been inserted therein instead of the Word "Commissioners."

Accounts of Receipts and Disbursements to be kept, audited, and published.

XVII. And be it enacted, That the said Treasurer shall, in Books to be kept for that Purpose, enter true Accounts of all Sums of Money by him received and paid, and the Books of Account shall at all reasonable Times be open to the Inspection of any of the Aldermen or Councillors of the said Borough; and such Treasurer shall, before the First Day of *February* in every Year, transmit to the Lord Lieutenant a Statement of such Receipts and Expenditure, which Statement shall be prepared in such Form and Manner as the said Lord Lieutenant shall direct, and such Account shall refer and be made up to the Audit next before the First Day of *January* of the

Year in which such Account is hereby required to be so transmitted; and all the Accounts, with all Vouchers and Papers relating thereto, shall, in the Months of *March* and *September* in every Year, be submitted by the Treasurer of the Borough to the Auditors provided to be elected in pursuance of an Act passed in the Session holden in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, and to such Member of the Council as the Mayor shall name, in pursuance of the said last-mentioned Act, on the First Day of *March* in every Year, or in case of extraordinary Vacancy within Ten Days next after such Vacancy, for the Purpose of being examined and audited from the First Day of *September* in the Year preceding to the First Day of *March*, and from the First Day of *March* to the First Day of *September* in the Year in which the said Auditors were elected and named; and if the said Accounts shall be found to be correct the Auditors shall sign the same; and after such Accounts shall be so examined and audited, in the Month of *September* in every Year, the Treasurer shall make out in Writing, and shall cause the same to be printed, a full Abstract of the Account for the Year, and a Copy thereof shall be open to the Inspection of every Mortgagee and other Creditor of the said Lord Mayor, Aldermen, and Burgesses, by virtue of this Act or the said recited Acts, or any of them, hereby repealed, and to all the Rate-payers of such Borough, and Copies thereof shall be delivered to all such Persons applying for the same, on Payment of One Shilling for each Copy: Provided always, that the said Town Council may award such Salary to the Auditors as, having regard to the Duties hereby imposed on them, to the said Town Council shall seem just and reasonable.

3 & 4 Vict. c. 108.

Power to make Bye Laws.

XVIII. And be it enacted, That the said Lord Mayor, Aldermen, and Burgesses may from Time to Time make such Bye Laws as they think fit for the several Purposes of this Act, and of any Act incorporated therewith, and from Time to Time repeal, alter, or amend any such Bye Laws, provided such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, or the Provisions of this Act, and be reduced into Writing, and have affixed thereto the Common Seal of the said Lord Mayor, Aldermen, and Burgesses; and that the said Lord Mayor, Aldermen, and Burgesses, by the Bye Laws so to be made by them, may impose such reasonable Penalties as they shall think fit, not exceeding Forty Shillings for each Breach of such Bye Laws: Provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or Part only of such Penalty to be paid, or to remit the whole Penalty; provided also, that the said Lord

Mayor, Aldermen, and Burgesses shall be and they are hereby required to make such Bye Laws within Six Calendar Months after the Commencement of this Act.

Bye Laws not to be in force until confirmed by Lord Lieutenant.

XIX. And be it enacted, That no Bye Law made under any of the Powers for that Purpose herein or in any Act incorporated herewith contained (except such as relate only to the Officers and Servants of the said Lord Mayor, Aldermen, and Burgesses,) shall be of any Force until the Expiration of Forty Days after the same or a Copy thereof shall have been sent, sealed with the Seal of the Lord Mayor, Aldermen, and Burgesses, to the Lord Lieutenant of *Ireland*, and shall have been published once in the *Dublin Gazette* and in Two of the Newspapers circulating within the Borough of *Dublin*; and if at any Time within the said Period of Forty Days the said Lord Lieutenant, by and with the Advice of Her Majesty's Privy Council in *Ireland*, shall disallow the same Bye Laws or any Part thereof, such Bye Laws, or Part thereof disallowed, shall not come into operation: Provided also, that it shall be lawful for the said Lord Lieutenant, with the Advice of the said Privy Council, at any Time within the said Period of Forty Days, to enlarge the Time within which any Bye Law (if allowed) shall come into force, and no such Bye Law shall in that Case come into force until after the Expiration of such enlarged Time.

Evidence of Bye Laws.

XX. And be it enacted, That a Copy of any such Bye Law, under the Seal of the Lord Mayor, Aldermen, and Burgesses, with a Declaration thereon, signed by the Lord Mayor of the Borough, that the same hath been sent, sealed as aforesaid, to the said Lord Lieutenant, and published as aforesaid, and that no Part thereof hath been disallowed by such Lord Lieutenant, with the Advice of the said Privy Council, and that the same is in force, shall be received as Evidence of any such Bye Law, and of the sending and publishing thereof as aforesaid, in all Courts of Law and Equity, and before all Justices.

Bye Laws to be printed, affixed in Justice Rooms, and published.

XXI. And be it enacted, That all Bye Laws made in pursuance of this Act, or any Act incorporated herewith, except such as relate only to the Officers and Servants of the said Lord Mayor, Aldermen, and Burgesses, shall be printed, and a Copy thereof shall be affixed and continued in the usual Place of meeting of the Council, and in every Justice Room or Office in which any Justice shall sit for the Administration of Justice; and Copies of such Bye Laws shall be delivered by the Town Clerk to any Person who may apply for the same, on the Payment of such Sum as the Council shall think fit to fix as the Price of such Bye Laws.

XXII. And

Penalty on Town Clerk refusing to deliver Copies of Bye Laws.

XXII. And be it enacted, That if the Town Clerk shall not, upon the Payment or Tender of such Sum as the Council shall direct to be paid for the same, deliver to any Person applying for the same, at the Office of the Town Clerk, a printed Copy of all or any Bye Laws made in pursuance of this Act, he shall for every such Offence be liable to a Penalty not exceeding Ten Pounds.

Penalty on Persons refusing Inspection of Bye Laws affixed in PoliceOffice.

XXIII. And be it enacted, That if the Person for the Time being having the Care of any Police Office or any Justice Room wherein any Justice shall sit for the Administration of Justice shall not permit the printed Copy of any Bye Laws affixed in such Office or Room to be inspected, at all reasonable Times, by any Person who may require to be permitted to inspect the same, the Person so offending shall for every such Offence be liable to a Penalty not exceeding Five Pounds.

Power for Council to borrow on Mortgage or Bond.

XXIV. And be it enacted, That it shall be lawful for the Council to borrow for the Purposes of this Act on Mortgage or Bond any Sums not exceeding in the whole the Sum of One hundred thousand Pounds, on the Security of the Rates by this Act authorized; and for securing the Repayment of the Monies so to be borrowed, with Interest, the Council may mortgage the Rates or any Part thereof respectively by this Act authorized to be raised to the Person or Persons who shall advance or lend such Money, or his Trustees, as a Security for the Payment of the Money so to be borrowed, together with Interest for the same.

Council not to make any Rates except those authorized by 3 & 4 Vict. c. 108. and this Act.

XXV. Provided always, and be it enacted, That, save and except any Borough Rate to be raised and levied pursuant to the Provisions and for the Purposes of the said recited Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, it shall not be lawful for the said Council, by virtue of or under the Provisions of any Act incorporated in this Act, to make, assess, or levy any Rates or Sums of Money, other than the Rates and Sums authorized to be made, assessed, and levied under the Provisions of this Act.

Council not to apply Money to any Purpose other than that for which it was borrowed.

XXVI. Provided also, and be it enacted, That it shall not be lawful for the Council to apply any Portion of the Sum of One hundred thousand Pounds borrowed on the Security of any Rate to be made under the Provisions of this Act, save to the Purposes for which such Rate has been made.

XXVII. And

XXVII. And be it enacted, That it shall and may be lawful for the Exchequer Bill Loan Commissioners to lend and advance to the Council the said Sum of One hundred thousand Pounds, or any Part thereof, upon One or more Mortgage or Mortgages of the Rates, Rents, and Duties and other Properties hereby vested in the said Council, with Interest at such Rate as shall be agreed upon, to be applied by the said Council in buying up, paying off, and absolutely extinguishing the several Debts heretofore created by the Commissioners for making wide and convenient Streets in the City of *Dublin*, and the Residue of said Sum to be applied to the Execution of the Works hereby authorized to be made.

Power to Exchequer Bill Loan Commissioners to lend or advance Money on Mortgage.

XXVIII. And be it enacted, That it shall be lawful for the Mortgagees of the Council to enforce the Payment of the Arrears of Principal and Interest due on any such Mortgage by the Appointment of a Receiver; and in order to authorize the Appointment of such Receiver, in the event of the Principal Monies or Interest due on such Mortgages not being duly paid, the Amount owing to the Mortgagees by whom the Application for a Receiver shall be made shall not be less than Five thousand Pounds in the whole.

Arrears of Principal and Interest may be enforced by Appointment of Receiver.

XXIX. And be it enacted, That every such Mortgage shall be by Deed duly stamped, in which the Consideration shall be truly stated; and every such Deed shall be under the Common Seal of the Lord Mayor, Aldermen, and Burgesses, and may be according to the Form in Schedule (A.) to this Act annexed, or to the like Effect.

Form of Mortgage.

XXX. And be it enacted, That all Persons to whom such Mortgages shall be made, or who shall be entitled to the Monies thereby secured, shall, in proportion to the Sums therein respectively mentioned, be Creditors on the said Rates equally one with another, without any Preference in respect of the Priority of advancing such Monies, or the Dates of any such Mortgages respectively.

Mortgages to be without Preference.

XXXI. And be it enacted, That it shall be lawful for the Council to raise all or any Part of the Money borrowed for the Purposes of this Act by granting Annuities for Lives, instead of Mortgages as aforesaid, and for that Purpose the Council may charge the Rates granted by this Act with an Annuity, to determine on a Life or Lives in being, in favour of any Person who shall advance to the Council any Sum of Money for the Purchase of the same.

Council may raise Money by Annuity.

XXXII. And be it enacted, That every such Grant of Annuity shall be by Deed duly stamped, in which the Consideration shall be truly stated, and shall be made under the Common Seal of the Lord Mayor, Aldermen,

Form of Grant of Annuity.

Aldermen, and Burgesses, and may be in Form in Schedule (B.) to this Act annexed, or to the like Effect.

For preventing improvident Grants of Annuities.

XXXIII. And be it enacted, That for preventing improvident Grants of Annuities the Price to be paid for any such Annuity shall not be less than the Price of a similar Annuity paid by Law for such Annuity granted by the Commissioners for the Reduction of the National Debt.

Annuities to rank after Mortgages.

XXXIV. And be it enacted, That every such Annuity so granted shall be paid out of the Rates vested in the Lord Mayor, Aldermen, and Burgesses by virtue of this Act, according to the Grant of such Annuity, and shall have Priority after any Mortgages granted under this Act.

Expenses of Mortgages and Annuities.

XXXV. And be it enacted, That the Expenses of every Mortgage and Grant of Annuity shall from Time to Time be defrayed by the Council out of the Monies raised by the same, or the Rates on the Credit of which such Monies shall be raised.

Register of Mortgages and Annuities to be kept, and to be open to Inspection.

XXXVI. And be it enacted, That a Register of such Mortgages and Annuities shall be kept by the Town Clerk, and within Fourteen Days after the Date of any such Mortgage or Annuity an Entry or Memorial of the Number and Date thereof, and of the Names of the Parties thereto, with their proper Additions, shall be made in such Register, and such Register may be perused at all seasonable Times by any Person interested therein, without Fee or Reward.

Transfer of Mortgages and Annuities.

XXXVII. And be it enacted, That from Time to Time any Party entitled to such Mortgage or Annuity may transfer his Right and Interest therein to any other Person by a Deed duly stamped, wherein the Consideration shall be truly stated, and may be according to the Form in the Schedule (C.) to this Act annexed, or to the like Effect.

A Register of Transfers to be kept.

XXXVIII. And be it enacted, That within Thirty Days after the Date of every such Transfer it shall be produced to the Town Clerk, and thereupon such Clerk shall cause an Entry or Memorial thereof to be made in the same Manner as in the Case of the original Mortgage or Annuity, and for such Entry the Town Clerk may demand the Sum of Two Shillings and Sixpence; and after such Entry every such Transfer shall entitle the Transferee, his Executors, Administrators, or Assigns, to the full Benefit of the original Mortgage or Annuity in all respects; and no Party, having made such Transfer, shall have Power to make void, release, or discharge the Mortgage or Annuity so transferred, or any Sum thereby secured.

XXXIX. And

XXXIX. And be it enacted, That, unless otherwise provided by any Mortgage, the Interest of the Money borrowed upon every such Mortgage shall be paid half-yearly to the several Parties entitled thereto.

Interest on Mortgages to be paid half-yearly.

XL. And whereas the Powers of presenting and levying Rates or Cesses for divers local Purposes are now vested in the Grand Jury of the County of the City of *Dublin* and in the Sessions Grand Jury of the City of *Dublin*, and it is expedient that the same Powers, so far as they relate to Matters to be done within the Borough of *Dublin*, should be transferred to the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*: Be it therefore enacted, That on and after the Day on which this Act shall come into operation all the Powers and Duties of the said Grand Jury of the County of the City of *Dublin* and the said Sessions Grand Jury of the City of *Dublin*, in relation to the presenting and levying of Rates or Cesses as aforesaid, shall cease and determine within the said Borough.

Fiscal Powers of Grand Jury and Sessions Grand Jury in the Borough of Dublin to cease.

XLI. And be it enacted, That from the Time aforesaid all the Powers theretofore exercised by or vested, in relation to the presenting and levying of Rates or Cesses for local Purposes within the Borough of *Dublin*, in the said Grand Jury and the said Sessions Grand Jury, shall be transferred to and be solely exercised by the Council of the said Borough, and all things by any Act theretofore in force authorized or required to be done by the said Grand Jury of the County of the City aforesaid and of the said Sessions Grand Jury, in relation to the said Fiscal Matters, Rates, or Cesses, shall, save where altered by this Act, be done by the said Council.

and to be transferred to Corporation.

XLII. And be it enacted, That the Council of the said Borough shall fix a Time, once in every Year, to receive Applications for all things now authorized to be done by the said Grand Jury of the County of the City of *Dublin* or the said Sessions Grand Jury, in relation to Fiscal Matters, Rates, or Cesses within the Borough of *Dublin*, and such Applications shall be made in like Form as the same are now authorized to be made in Cases of Applications for Presentments; and immediately after the Day so fixed for receiving such Applications the Council shall proceed to investigate such Applications, and decide upon them at an open Meeting of the said Council, or of a Committee thereof authorized in that Behalf.

Mode of proceeding.

XLIII. And be it enacted, That a Schedule of such Applications as may be agreed to with respect to the said Grand Jury Cess shall be made out by the Town Clerk, who shall lodge the same, Two clear Days before the First Day of *Hilary* Term in the Year One thousand eight

Schedule of Applications to be lodged with Clerk of Crown and Clerk of the Peace.

eight hundred and fifty-one, and Two clear Days before the First Day of *Michaelmas* Term in the said Year One thousand eight hundred and fifty-one, and Two clear Days before the First Day of *Michaelmas* Term in every succeeding Year, with the Clerk of the Crown of the Court of Queen's Bench; and a Schedule of such Applications as may be agreed to with respect to the said Sessions Grand Jury Cess shall be made by the said Town Clerk, who shall lodge the same, Two clear Days before the First Day of the *January* Quarter Sessions of the Peace held for the City of *Dublin* in the Year One thousand eight hundred and fifty-one, and Two clear Days before the First Day of the *October* Quarter Sessions of the Peace held for the City of *Dublin* in the said Year One thousand eight hundred and fifty-one, and Two clear Days before the First Day of the *October* Quarter Sessions in every succeeding Year, with the Clerk of the Peace for the City of *Dublin*; and thereupon it shall be lawful for the said Court of Queen's Bench, or any Judge of the said Court, and the Recorder of the City of *Dublin* respectively, to fix Days for the Consideration of the said Presentments, and on such Days at least Twenty Members of the said Council shall attend the said Court or Judge or Recorder respectively, and the said Court or Judge or Recorder respectively, after hearing all Parties affected by or interested in such Presentments, shall make such Orders therein, and shall allow or disallow the same or any of them, or any Portions thereof, as to the said Court or Judge or Recorder respectively shall seem fit, and shall fiat the same or any Portions thereof, according as the same shall be allowed, either by the full Court or by One of the Judges thereof or the Recorder respectively: Provided always, that it shall be lawful for any Rate-payer to traverse any Presentment made by the said Council, or to object to the same being fiated, and such Traverse or Objection shall be heard and determined by the said Court or Judge or Recorder respectively on a Day to be fixed for considering and fiating the same; and it shall be lawful for the said Court of Queen's Bench and Recorder respectively to make Orders from Time to Time to regulate the Reception of the said Traverses, and the Mode of Procedure thereupon, and to order Juries to be impannelled for the Trial thereof, as they are now in such Cases authorized: Provided also, that in case Twenty Members of the said Council shall not attend the said Court or Judge or Recorder respectively as aforesaid, it shall be lawful for the said Court or Judge or Recorder to proceed to hear and determine such Matters as shall be brought before such Court or Judge or Recorder respectively in like Manner as if such Twenty Members were then present, and the said Court or Judge or Recorder shall have Power to inflict such Penalty on the Council, not exceeding Ten Pounds, for Nonattendance, as such Court or Judge or Recorder respectively shall think fit.

Presentments made by Town Council may be traversed.



XLIV. And

XLIV. And be it enacted, That in case any Application shall not be sanctioned by the said Council, the Party making such Application shall be at liberty (on giving Six Days Notice of his Intention so to do) to bring the same before the said Court or Judge or Recorder respectively, at the Time of fiating the said Presentments; and if it shall appear to the said Court or Judge or Recorder respectively that such Presentments should have been made, the same shall be added to the Schedules sent in by the Town Clerk.

Rejected Application may be made before the Court or Recorder, and granted by them.

XLV. And be it enacted, That so soon as all Objections or Traverses have been disposed of, and the new Presentments (if any) have been added, the said Schedules shall be signed by the Clerk of the Crown and the Clerk of the Peace respectively, and shall by them be transmitted to the Town Clerk, who shall lay the same before the Council, and thereupon the said Council shall raise, and they are hereby required so to do, the Amount of the several Sums mentioned in the said Schedules by a Rate, pursuant to the Provisions of this Act and the Acts now for such Purposes in force.

When fiated to be raised by a Rate.

XLVI. And be it enacted, That all Arrears of Rates, and the Property in the Borough now vested in the Grand Jury of the County of the City of *Dublin* and the Sessions Grand Jury of the City of *Dublin*, or any of their Officers, shall, immediately after this Act comes into operation within the Borough, vest in the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*.

Property of Grand Jury and Sessions Grand Jury to vest in Corporation.

XLVII. And be it enacted, That all Contracts heretofore made by or with the Grand Jury of the County of the City of *Dublin* and the Sessions Grand Jury of the City of *Dublin* shall be enforced by or against the Lord Mayor, Aldermen, and Burgesses of *Dublin*, after this Act shall come into operation, so far as the same relates to Matters to be done with the Borough.

Contracts made by or with the Grand Jury or Sessions Grand Jury to be good.

XLVIII. And whereas under and by virtue of an Act passed in the Fifty-fifth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for the Payment of Costs and Charges to Prosecutors and Witnesses in Cases of Felony in* Ireland, the Treasurer of Public Money of the County of the City of *Dublin* is required to pay certain Expenses of Prosecutors and Witnesses: And whereas by the Transfer of the Fiscal Powers of the Grand Jury and Sessions Grand Jury in the Borough of *Dublin* to the Lord Mayor, Aldermen, and Burgesses of the said Borough, the Duties of the said Treasurer will cease; and it is expedient that the same Duties should be performed hereafter by the Treasurer of the Borough of *Dublin*: Be it therefore enacted, That from and after the Commencement of this

Treasurer of Borough to pay Expenses of Witnesses, &c. by Order of Judges of Commission, and Recorder.

this Act the Treasurer of the Borough of *Dublin* shall, subject to the Provisions of the said last-recited Act, perform all the Duties in respect to the Payment of Prosecutors and Witnesses Expenses which shall have been theretofore done and performed by the Treasurer of Public Monies of the County of the City of *Dublin* in respect to the same, anything in the said Act contained to the contrary notwithstanding.

Treasurer of Borough to stand on the same Relation to the Claims of Her Majesty's Exchequer as the Treasurer of Grand Juries formerly stood.

XLIX. And whereas divers Sums of Money have been advanced from Time to Time from Her Majesty's Exchequer by the Direction or Authority of the Commissioners of Her Majesty's Treasury, or of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, for public Purposes of the County of the City of *Dublin*: And whereas the Lord Mayor, Aldermen, and Burgesses of *Dublin* are by this Act authorized to exercise all the Powers heretofore exercised by or vested, in relation to the presenting and levying of Rates or Cesses for local Purposes within the Borough of *Dublin*, in the Grand Jury and the Sessions Grand Jury; and it is expedient that the like Duties should be imposed upon the Treasurer of the Borough of *Dublin* with respect to the Claims of Her Majesty's Exchequer as were imposed on the Treasurer of the Grand Juries aforesaid in relation to such Claims before the Commencement of this Act: Be it therefore enacted, That the Amount of any Sum presented by the Council for the Purpose of repaying such Advances as aforesaid shall be paid by the Treasurer of the said Borough of *Dublin* out of such Public Money, Rates, and Cesses as shall be by him received in respect of such Presentments (so far as the same shall extend), when and as soon as the same shall come to his Hands, in priority and preference to any other Lien, Charge, Demand, or Claim upon the same whatsoever; and such Treasurer shall pay over the said Amount in such Manner and to such Bank or Person as the Commissioners of Her Majesty's Treasury shall direct.

Penalty on Treasurer withholding Monies due to the Exchequer.

L. And be it enacted, That if in any Case the Treasurer of the said Borough for the Time being shall neglect or refuse to pay any Sum of Money presented for the Repayment of Advances made as aforesaid, or any Sums or Instalments of such Sums presented as aforesaid, in priority and preference to any other Lien, Charge, Demand, or Claim whatsoever upon the Money in his Hands in respect of such Presentments, such Treasurer shall for each such Neglect or Refusal forfeit the Sum of One hundred Pounds, with full Costs of Suit, to any Person who shall sue for the same by Action of Debt or on the Case in any of Her Majesty's Courts of Record at *Dublin*.

After Commencement of this Act

LI. And whereas an Act was passed in the Seventh Year of the Reign of His Majesty King *George* the Fourth, intituled *An*

*Act for consolidating and amending the Laws relating to Prisons in* Ireland, and another Act was passed in the Sixth and Seventh Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act for converting the* Richmond *General Penitentiary into One of the Prisons for the County of the City of* Dublin, *and to amend the Law relating to Prisons in* Ireland: And whereas, under the Provisions of the said Act or Acts, the Grand Jury of the County of the City of *Dublin* are authorized and required to appoint a Board of Superintendence of Prisons within the County of the City of *Dublin*: And whereas it is expedient that the Council of the City of *Dublin* should appoint the said Board of Superintendence instead of the said Grand Jury: Be it therefore enacted, That from and after the Tenth Day of *January* next after the Commencement of this Act all the Powers of the said Grand Jury in respect to the Appointment of the said Board of Superintendence shall cease and determine, and thereupon, and on the Tenth Day of *January* in each succeeding Year, the said Council are hereby authorized and required to appoint Twelve Persons, being Burgesses of the City of *Dublin*, One Half of whom at least shall be Justices of the Peace for the County of the said City, to be a Board of Superintendence of every Gaol, Bridewell, House of Correction, or other Prison within the said County of the said City, supported in part or in the whole by Grand Jury Presentment, and not being a Portion of a different County; and the said Council shall and they are hereby required to lay a Copy of their half-yearly Reports before the Judges of the Court of Queen's Bench at the *Trinity* and *Hilary* Terms in every Year; and all the Powers, Duties, Regulations, Authorities, Clauses, and Provisions in the said last-recited Acts or any other Act contained with respect to such Board of Superintendence, save as to such of the Provisions thereof as are or may be inconsistent with the Provisions of this Act, shall be incorporated with and form Part of this Act, and shall be applicable to the Board of Superintendence to be appointed under the Provisions of this Act.

Council to appoint a Board of Superintendence of Prisons. 7 G. 4. c. 74. 6 & 7 W. 4. c. 51.

LII. And whereas it is expedient that the Clerk of the Peace of the County of the City of *Dublin* should be paid from henceforth by a fixed Salary, in lieu of Fees and Emoluments heretofore paid by virtue of Grand Jury Presentment or otherwise, and that the Fees and Emoluments now arising or which shall at any Time hereafter arise from the Business of the said Office, or incident thereto, shall be paid into the Borough Fund of the said Borough: Be it therefore enacted, That from and after the Commencement of this Act the Salary of the Clerk of the Peace for the County of the City of *Dublin* shall be fixed at the Sum of Eight hundred Pounds *per Annum*; and that the said Clerk of the Peace shall be enabled to employ One Chief and

Clerk of the Peace of the City of Dublin hereafter to be paid by Salary.

and One Assistant Clerk, removable at his Pleasure, to aid in the Discharge of the Duties of the said Office, and that the Salary of such Chief Clerk shall be fixed at the Sum of One hundred Pounds *per Annum*, and the Salary of such Second Clerk shall be fixed at the Sum of Seventy-five Pounds *per Annum*; and that the said Clerk of the Peace shall also receive the Sum of One hundred and twenty-five Pounds *per Annum* for all other annual Expenses incidental to the said Office and the Duties thereof, of every Nature and Kind whatsoever; and that *Robert Dickenson* Esquire, the present Clerk of the Peace, shall, so long as he shall continue to hold the said Office, be entitled to receive the said annual Salary of Eight hundred Pounds and the said annual Sum of One hundred and twenty-five Pounds, and his Chief Clerk for the Time being shall be entitled to receive the said annual Salary of One hundred Pounds, and his Second Clerk for the Time being shall be entitled to receive the said annual Salary of Seventy-five Pounds, which said several Sums shall be respectively paid them in full and complete Satisfaction and Remuneration for all the Duties and Services to be done and performed in the Office of the said Clerk of the Peace, or incidental thereto, and for all Expenses which shall be incurred in the Execution of the same.

R. Dickenson, Esq., to retain Fees until Salary is paid under this Act.

LIII. And be it enacted, That the said *Robert Dickenson* Esquire shall be entitled and is hereby authorized to retain, out of the Fees and Emoluments which shall have come into his Hands as Clerk of the Peace since his Appointment to the said Office, or which shall come into his Hands in respect of such Office at any Time before the Commencement of this Act, such Sum of Money as shall be sufficient to pay him his said Salary of Eight hundred Pounds, and the said Sum of One hundred and twenty-five Pounds, and the said Sums of One hundred Pounds and Seventy-five Pounds, or such Proportion thereof as shall be equivalent to the Salary and Allowances hereinbefore mentioned, from the Period of his Appointment to his said Office until his said Salary and Allowance, and the Salaries of his Clerks, as aforesaid, shall first become due and payable under the Provisions of this Act, and shall account for and pay the Balance, if any, to the Treasurer of the said Borough.

Salaries to be included in Schedule, and to be paid half-yearly.

LIV. And be it enacted, That the said Council are hereby required annually to include in the said Schedule of Applications the several Sums of Eight hundred Pounds, One hundred and twenty-five Pounds, One hundred Pounds, and Seventy-five Pounds aforesaid, and to pay the same to the said Clerk of the Peace in Two equal half-yearly Payments on the Fifth Day of *January* and the Fifth Day of *July* in each Year respectively, and the same shall be one of the Presentments to be made and payable every Year under this Act.

LV. And

LV. And be it enacted, That it shall not be lawful for the Clerk of the Peace to accept of any Sum of Money or Security for Monies, or to stipulate for or receive any Share or Proportion of the Profits of the said Offices of Chief or Assistant Clerk respectively, or receive any other valuable Consideration whatever, as and for a Consideration for the Appointment of any Person whatsoever to the said respective Offices; and if any Clerk of the Peace shall herein offend, contrary to the Provisions of this Act, he shall for every such Offence forfeit the Sum of One hundred Pounds, and shall also forfeit his said Office.

Penalty on Clerk of the Peace accepting Money, &c. for the Appointment of Clerks.

LVI. And be it enacted, That from and after the Commencement of this Act the Clerk of the Peace of the said County of the City of *Dublin* shall keep an Account of all Sums received by him for and on account of Fees for the Duties and Services of the said Office, and shall in the Month of *December* in every Year lay such Account before the Council of the said Borough, and shall verify the same on Oath, and shall hand over the Amount of Fees so received by him to the Treasurer of the said Borough.

Clerk of Peace to keep an Account of Fees received by him, and hand the same to Treasurer of Borough.

LVII. And be it enacted, That it shall be lawful for the said Council, from and after the Commencement of this Act, to contract for the annual Printing of all Registry Books, and Lists of Applications of Persons to be registered, and Lists of registered Voters, as are or shall be required to be printed by the several Acts now in force to regulate the Elections for Members to serve in Parliament for *Ireland* for the said County of the City of *Dublin;* and the said Council are hereby required to include in their Lists of Presentments all such Sum or Sums of Money as may be necessary to defray the Expenses of same, together with the Expense of the Manuscript Lists for said Printing, to be paid to the Person or Persons so contracting or executing same as aforesaid.

Council may contract for printing Lists of Voters, &c., and include Expense in Presentments.

LVIII. And whereas by an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act to amend the Acts relating to the River* Poddle *in the County and City of* Dublin, it was provided that all the Powers and Authorities belonging under the Acts recited therein to the Commissioners constituted thereunder should cease to be exercised by the said Commissioners, and should be thenceforward transferred to and vested in the Commissioners for paving, cleansing, and lighting the Streets of *Dublin:* And whereas it is expedient that the Powers and Authorities vested in the Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, under the Provisions of the said Act, should be transferred to and vested in the Right Honourable the Lord Mayor, Aldermen,

Powers of 3 & 4 Vict. c. 58. relating to Poddle River to be transferred to Council.

Aldermen, and Burgesses of *Dublin*: Be it therefore enacted, That from and after the Commencement of this Act all the Powers, Rights, Duties, and Authorities transferred to, imposed upon, and vested in the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, under the Provisions of the said Act, shall cease to be exercised by the said Commissioners, and shall be thenceforward transferred to, imposed upon, and vested in the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*; and all the Clauses and Provisions in the said Act contained, save as to such of the Provisions thereof as are or may be inconsistent with the Provisions of this Act, shall be incorporated with and form Part of this Act, and shall be construed as if the Expression "The Lord Mayor, Aldermen, and Burgesses of *Dublin*" had been inserted therein, instead of the Words "Commissioners for paving, cleansing, and lighting the Streets of *Dublin*," or, where any Act is required or authorized to be done by or to a certain Number of Commissioners, as if the Word "Council" had been inserted therein instead of the Word "Commissioners."

Property to vest in Lord Mayor, Aldermen, and Burgesses.

LIX. And be it enacted, That all the Estates and Effects, Real and Personal, and all Debts, Dues, and all Penalties of or belonging to or recoverable by the said Commissioners for paving, cleansing, and lighting the Streets of *Dublin*, under the Provisions of the said last-recited Act, shall from and after the Commencement of this Act be vested in and recoverable by the said Lord Mayor, Aldermen, and Burgesses of *Dublin*, who shall have all such Remedies for recovering the said Debts, Dues, and Penalties respectively as the said Commissioners would have had if this Act had not been passed; and all Debts due by the said Commissioners shall be borne and paid by the said Lord Mayor, Aldermen, and Burgesses out of the Monies to be raised and levied by virtue of this Act; and the said Commissioners and their Officers shall deliver over to the said Lord Mayor, Aldermen, and Burgesses all Assessments, Valuations, Contracts, Books, and other Documents relating to the several Purposes of the said last-recited Act.

Power to purchase Lands.

LX. And be it enacted, That, subject to the Provisions of this Act, it shall be lawful for the Council to agree with the Owners of any Lands within the Limits of this Act which they may require for the Purpose of opening and making more convenient Communications, Ways, or Streets, and of widening, improving, altering, or diverting any existing Ways or Streets, or for other the Purposes of this Act, for the absolute Purchase of any such Lands, or such Parts thereof as they shall think proper, and the Lands so purchased shall be laid into the said Ways or Streets, or otherwise appropriated for the Pur-

poses aforesaid as the Council shall think fit, and all such Ways or Streets, when and as soon as the same shall be so formed, widened, or improved, shall be deemed public Streets or Ways.

LXI. And be it enacted, That the "Lands Clauses Consolidation Act, 1845," shall be incorporated with and form Part of this Act: Provided always, that nothing in the said "Lands Clauses Consolidation Act" contained shall authorize the Council to purchase, take, or use any Lands, unless with the Consent of and by Agreement with the Owners and Occupiers thereof.

8 & 9 Vict. c. 18. incorporated with this Act.

LXII. And be it enacted, That "The Towns Improvement Clauses Act, 1847," shall (save so far as it is expressly varied or excepted by or is inconsistent with this Act) be incorporated with and form Part of this Act.

10 & 11 Vict. c. 34. incorporated with this Act.

LXIII. And be it enacted, That the Council shall and may, subject to the Provisions of this Act, and of the Acts and Clauses of Acts incorporated herewith, cause to be paved, drained, lighted, cleansed, watered, and otherwise improved the Borough of *Dublin*, and do all necessary Acts for promoting the Health and Convenience of the said Borough, and for that Purpose may exercise all the Powers vested in them by this Act and the Acts incorporated herewith.

Power to Council to cause Streets, &c. to be paved, &c.

LXIV. And be it enacted, That whenever the Freehold of any Court, Passage, or public Place, not being a Thoroughfare, shall be vested in the Owner of any adjoining House, the paving of such Court, Passage, or public Place shall be done by such Owner.

Owners possessing Freehold of Courts, &c. to pave the same.

LXV. And be it enacted, That the Owner of any such Court, Passage, or public Place, not being a Thoroughfare, shall, to the Satisfaction of the Council, sufficiently pave the same, and lay, at a proper Level, through, over, or along such Part thereof as the Council may require, a Channel or Gutter, and keep such Pavement and Channel or Gutter in good Repair to the Satisfaction of the Council; and if any such Owner of any Court, Passage, or public Place, not being a Thoroughfare, shall not sufficiently pave the same as aforesaid, or shall not lay down therein such Channel or Gutter, or shall not repair and keep the same respectively in good Repair to the Satisfaction of the Council, within Fourteen Days after Notice in Writing requiring him so to do shall have been given to him by the Council, it shall be lawful for the Council to cause such Court, Passage, or public Place to be paved, or such Channel or Gutter to be laid down, or, as the Case may be, to be repaired and put into good Order, and to levy and

Owner of Courts to flag them, and keep the Flagging in repair.

and recover the Costs and Expenses thereof from such Owner in the Manner by this Act provided.

Power for Council to contract with any Company for restoring Pavements.

LXVI. And be it enacted, That it shall be lawful for the Council to contract and agree, for any Term not exceeding Three Years, with any Company or Person authorized to take up any of the Pavements or other formed Surface of any of the Streets within the City of *Dublin*, for the filling-in, paving, and restoring of such Parts of the said Streets as shall be from Time to Time required to be taken up for the Purpose of enlarging, altering, or repairing any Pipes or other like Purpose.

Certain Provisions of 10 & 11 Vict. c. 15. incorporated with this Act.

LXVII. And be it enacted, That the Clauses of "The Gasworks Clauses Act, 1847," with respect to the breaking up of Streets for the Purpose of laying Pipes, and with respect to the Provision for guarding against fouling Water or other Nuisance from Gas, shall be incorporated with this Act; and the Expression "the Undertakers," in the said "Gasworks Clauses Act," shall, in reference to this Act, mean and include any Person whom the Council may contract with or employ to supply any Gas within the Limits of this Act.

Power for Council to charge Places not within Sewerage District, but deriving Benefit from Works, with Part of the Expense of Construction.

LXVIII. And whereas in the Construction and Enlargement of the Sewers and Drains, or some of them, within the said Borough, under the Powers of this Act, it may be deemed by the Council expedient to construct and enlarge some of such Sewers and Drains, or some Part thereof, of such Size, Capacity, and Strength, and in such Situation, Manner, and Form, in One or more of the Sewerage District or Districts, or in some other Parts of the said Borough, as may be sufficient, not only for the Wants and Exigencies of such Districts or other Parts of the said Borough, but also for the Purpose of promoting and facilitating efficient Drainage and Sewerage of and in other Sewerage District or Districts or other Parts of the said Borough, and it may in such Case be deemed by the Council proper and equitable to charge such other District or Districts, or other Parts of the said Borough, which in the Judgment of the Council may derive Benefit or Advantage therefrom, with the Payment of the extra Expense, or some Part thereof, which may have been incurred in constructing, enlarging, maintaining, repairing, and cleansing such Sewers and Drains as aforesaid, in manner and subject as herein-after mentioned: Be it therefore enacted, That if at any Time the Council shall be of opinion that any Expense which may have been incurred by any Drainage District by this Act formed within the said Borough, which shall have been defrayed by or charged upon the District Sewer Rate levied and collected therein respectively, in making, constructing, maintaining, repairing, or cleansing

cleansing any Sewer or Sewers of a Size, Capacity, Strength, or otherwise as aforesaid, and any Benefit and Advantage shall thereby be derived or conferred by or to any Drainage District within the said Borough, by reason of such last-mentioned District opening into or communicating with any such Sewer or Sewers which may have been made and constructed as aforesaid, it shall be lawful for the Council in any of the Cases aforesaid (if they shall in their Discretion deem it proper and equitable so to do) from Time to Time to order and direct the District which shall by the Means and in manner aforesaid derive or receive any such Benefit or Advantage by the Facility of opening and communicating with and into such Sewer or Sewers, or otherwise, to pay in respect thereof such Sum or Sums of Money, at such Time or Times, and subject to such Terms and Conditions, as the Council shall think just and reasonable, which Sum or Sums of Money shall be applied by the Council in aid of the District Sewer Rate levied and collected within the Drainage District, and at whose Expense the said Sewer or Sewers shall be constructed, enlarged, maintained, repaired, and cleansed as aforesaid; and all such Monies which the Council shall think fit so to order and direct to be paid as aforesaid shall be a Charge upon the District Sewer Rate within and for any Drainage District which shall be so ordered and directed to pay such Money, and the same shall and may be levied and collected by the Authority of the Council in such Manner and by such Ways and Means as by this Act are authorized for making, levying, and collecting such Rates respectively.

**Persons aggrieved by Orders of the Council may appeal.**

LXIX. And be it enacted, That any Person liable to pay such Sum or Sums of Money as aforesaid, or otherwise aggrieved by any such Order of the Council relating thereto, may, at any Time within Seven Days next after the making of such Order, give Notice in Writing to the Council that he intends to appeal against such Order to the Divisional Justices of the District of *Dublin* Metropolis after the Expiration of Ten Days next after the Delivery of such Notice, and that, together with such Notice, he shall give a Statement in Writing of the Grounds of the Appeal; and such Divisional Justices, upon due Proof of such Notice having been given, shall hear and determine the Matter of the Appeal, and shall make such Order thereon, either confirming, quashing, or varying the same, and shall award such Costs to either of the Parties, as the said Divisional Justices, in their Discretion, shall think fit: Provided always, that the Appellant shall not be heard in support of such Appeal unless such Notice and Statement have been given, nor on the Hearing of such Appeal shall he go into Evidence of any other Grounds of Appeal than those set forth in such Statement as aforesaid.

Power to enter upon Lands for the Purposes of this Act.

LXX. And be it enacted, That in case it shall become necessary to enter, examine, or lay open any Lands or Premises for the Purpose of making Plans, surveying, measuring, taking Levels, examining Works, ascertaining the Course of Sewers or Drains, or ascertaining or fixing Boundaries, and the Owner or Occupier of such Lands or Premises shall refuse to permit the same to be entered upon, examined, or laid open for the Purposes aforesaid or any of them, the Council may, upon Notice to such Owner or Occupier, apply to Two Justices for an Order authorizing the Council and the Superintending Inspector, Surveyor and Inspector of Nuisances, or any of them, to enter, examine, and lay open the said Lands and Premises for the Purposes aforesaid or any of them; and if no sufficient Cause shall be shown against the same, the said Justices may make an Order authorizing the same accordingly, and thereupon the Council, any Superintending Inspector, the Surveyor and Inspector of Nuisances, and any Person authorized by the Council, or any such Superintending Inspector, Surveyor or Inspector of Nuisances, may, at all reasonable Times between the Hours of Ten in the Forenoon and Four in the Afternoon, enter, examine, or lay open the Lands or Premises mentioned in such Order, for such of the Purposes as shall be specified in the said Order, without being subject to any Action or Molestation for so doing: Provided always, that, except in case of Emergency, no Entry shall be made or Works commenced under the Powers of this Enactment, unless, Twenty-four Hours at the least previously thereto, Notice of the intended Entry, and of the Object thereof, be given to the Occupier of the Premises intended to be entered.

Provisions of 10 & 11 Vict. c. 14. incorporated with this Act.

LXXI. And be it enacted, That the "Markets and Fairs Clauses Act, 1847," shall (with the Exception of the Clause prohibiting Sales elsewhere than in Markets, and such other of the Clauses as are expressly varied by or are inconsistent with this Act,) be incorporated with and form Part of this Act.

Lord Mayor to be sole Clerk of the Markets in Dublin.

LXXII. And whereas the Lord Mayor of the City of *Dublin* is by Charter Clerk of the Markets within the said City: Be it therefore enacted, That the Lord Mayor for the Time being shall be the sole Clerk of the Markets of the Borough of *Dublin*, and shall have and enjoy all the Privileges of such Office, save so far as the same are altered by or inconsistent with this Act.

Powers of Clerk of the Markets.

LXXIII. And whereas Doubts have arisen respecting the Powers vested in the said Lord Mayor by right of his said Office of Clerk of the Markets of the Borough of *Dublin*, and it is expedient to remove the same: Be it therefore enacted, That it shall be lawful for the

the said Lord Mayor for the Time being, by virtue of such Office, from Time to Time to make such Bye Laws as he shall think fit for all or any of the following Purposes; that is to say,

For Inspection of the Markets in the said Borough:

For preventing Nuisances or Obstructions in the Market Places, or in the immediate Approaches thereto:

For keeping the Markets in a cleanly and proper State, and for removing Filth and Refuse at least Once in every Twenty-four Hours, and for requiring that they be provided with a sufficient Supply of Water, and preventing the Exercise of Cruelty therein:

For preventing the Use of false or defective Weights, Scales, or Measures:

For preventing the Sale or Exposure for Sale of unwholesome Provisions in the Markets, and for condemning and disposing of the same:

For preventing Frauds in the Hay, Straw, and other public Markets in the said Borough, and for authorizing the seizing, detaining, inspecting, or weighing (for the Detection or Prevention of Frauds) any Hay, Straw, Goods, or Wares exposed for Sale in any of the said Markets, or the Carts, Carriages, or Vehicles whereon the same may be laden:

And the said Lord Mayor may, from Time to Time as he shall think fit, repeal or alter any such Bye Laws; provided that such Bye Laws be not repugnant to the Laws of that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*, or the Provisions of this Act, or any Act incorporated therewith; and such Bye Laws shall be reduced into Writing, under the Hand and Seal of the said Lord Mayor; and the said Lord Mayor by the said Bye Laws may impose such reasonable Penalties as he shall think fit, not exceeding Five Pounds for each Breach of such Bye Laws; provided always, that such Bye Laws be so framed as to allow the Justices before whom any Penalty imposed thereby is sought to be recovered to order the whole or a Part only of such Penalty to be paid, or to remit the whole Penalty; and such Bye Laws shall be confirmed, printed and published, and received as Evidence, and be subject to the same Regulations in all respects as the Bye Laws by this Act authorized to be made by the Lord Mayor, Aldermen, and Burgesses of the said Borough: Provided always, that all Penalties by this Act authorized or imposed relating to Markets shall be paid to the Guardians of the Poor of the Union in which the Offence shall have been committed.

Lord Mayor may appoint and remove Assistants.

LXXIV. And be it enacted, That it shall be lawful for the Lord Mayor for the Time being to appoint during Pleasure, and to remove, Assistants or Deputies to such Lord Mayor as such Clerk of the Markets,

Markets, and for the Council to pay such Assistants or Deputies such Salaries as the said Council shall think fit.

Act not to deprive Lord Mayor, &c. of Power of punishing Frauds.

LXXV. And be it enacted, That nothing in this Act contained shall be deemed or taken to deprive the Right Honourable the Lord Mayor, or the Lord Mayor and Council, of any Power with which he or they is or are at present invested with respect to the *Dublin* Markets, or to detect and punish Frauds within the said Borough.

Penalty for exposing for Sale unsound Meat or Provisions.

LXXVI. And be it enacted, That if any Butcher, Dealer in Meat, or other Person, shall keep, expose, or offer for Sale in his Shop, Stall, Warehouse, or on any Part of his Premises or other Place within the Limits of this Act, any unsound or unwholesome Meat, Fish, or other Provisions unfit for the Food of Man, adulterated or fraudulently made up, every Person so offending, and convicted of such Offence before Two Justices of the Peace, shall for every such Offence forfeit a Sum not exceeding Five Pounds; and such Meat, Fish, or other Provisions shall and may be seized, carried away, and dealt with in such Manner as the said Justices shall order and direct.

Power to search for and seize unwholesome Meat.

LXXVII. And whereas Meat, Fish, and other Provisions are frequently clandestinely kept, and sold to the Inhabitants of the said Borough for the Purpose of Human Food, at the Time such Meat is unfit to be eaten by Man, and there is great Difficulty in discovering the Person keeping and the Places in which such Meat is kept, and it is expedient to provide a Remedy for the same: Be it therefore enacted, That where it shall appear to any Justice, by Information on Oath or Affirmation, that there is reasonable Ground to suspect that any such Meat is kept or concealed within the Limits of this Act, it shall be lawful for such Justice to issue his Warrant to any Constable, or to any Officer of the Council, authorizing him, with proper Assistants, to enter any Building or Place in which such Meat shall be suspected to be kept or concealed, and to search for the same, and to break open any Doors for that Purpose; and if upon any such Search any Meat shall be found which shall be reasonably suspected to be unfit to be eaten by Man, such Constable or other Officer shall cause such Meat to be produced before any Two Justices with all convenient Despatch; and if it shall appear to such Justices, either upon View thereof or other good Proof, that such Meat is unfit to be eaten by Man, it shall be lawful for the Justices to order such Meat to be destroyed or otherwise disposed of as such Justices shall think fit; and if the Person in whose Possession or Premises such bad or unwholesome Meat shall be found shall not give some satisfactory Account of the Manner in which such Meat came into the Possession or Premises of such Person, and that the same was provided by and possessed by

him for some proper and lawful Purpose, it shall be lawful for such Justices (if they shall think fit) to adjudge that such Person shall pay any Sum not exceeding Five Pounds.

Council empowered to purchase existing Markets.

LXXVIII. And be it enacted, That it shall be lawful for the Council to purchase or take on Lease, with the Consent of the Owner or Owners thereof, any Land and Premises within the Limits of this Act which at the Time of the taking and leasing thereof shall be used as a Market or Markets, together with all Stalls, Standings, and other Conveniences and Approaches thereto, and all Rights now enjoyed by any Person for levying Tolls therein, and all Privileges and Franchises connected therewith, and also any Privileges or Rights of having and maintaining a Weighing Machine, and of weighing Commodities, and taking Tolls therefor, to which any Person is or may be entitled within the Limits of this Act, and from Time to Time to continue to appropriate and use, in as beneficial a Manner as the Person selling or demising the same could have done at the Time of the Sale or Demise thereof, the said Lands and Premises, or so much thereof as they may think expedient, as a Market or Markets, for the Purposes and subject as herein-after mentioned, and to appropriate and use the Residue of the said Land and Premises for any other of the Purposes of this Act, as to them may seem fit, and also to enjoy and use the same Privileges and Rights of having such Weighing Machine or Weighing Machines, and of weighing and taking Tolls, in as beneficial a Manner as the Person selling or leasing such Privileges and Rights could have done at the Time of the Sale or Demise thereof: Provided always, that nothing herein contained shall interfere with or prevent any Person or Persons from enjoying or erecting any Weighing Machine or Machines, or weighing for Hire at any Place within the said Borough, save in the Markets purchased by or belonging to the said Council.

Land for new Markets may be provided.

LXXIX. And be it enacted, That it shall be lawful for the Council, at any Time and from Time to Time, as they may think fit, to purchase, rent, and provide other Lands within the Limits of this Act to be appropriated and used as a Market or Markets, as herein-after mentioned.

Council empowered to provide Market Places.

LXXX. And be it enacted, That it shall be lawful for the Council to build and provide, upon the Land to be purchased, rented, or provided by them as herein mentioned, and for ever afterwards to maintain and improve, One or more Market Place or Market Places for the Sale of Cattle, Animals, and Provisions, and all other marketable Commodities, within the Limits of this Act, together with all Stalls, Standings, and other Conveniences, and suitable Approaches for all Persons resorting thereto, as the Council shall think fit.

Smithfield a free Market.

LXXXI. Provided always, and be it enacted, That the Market of *Smithfield* in the said Borough shall at all Times be and remain a free Cattle and Hay and Straw Market, and it shall not be lawful for the said Lord Mayor or Council to demand or take any Toll for the standing of any Beast or Animal, or Cart of Hay or Straw, exposed for Sale in the said Market.

Office of Weighmaster, created by Act of 4 Anne (I.) abolished.

LXXXII. And whereas an Act was passed in the Parliament of *Ireland* in the Fourth Year of the Reign of Her Majesty Queen *Anne*, intituled *An Act for regulating the Weights used in this Kingdom, and that Salt and Meal should be sold by Weight*: And whereas it is expedient that the said Act, so far as the same relates to the City of *Dublin*, should be repealed: Be it therefore enacted, That from and after the First Day of *January* One thousand eight hundred and fifty-one the said Act, so far as the same relates to the City of *Dublin*, shall be and the same is hereby repealed, and the Office of Weighmaster created under the said Act shall be and the same is hereby abolished: Provided always, that nothing herein contained shall affect or alter any Rights and Privileges now enjoyed by any Person or Persons under the Provisions of the said recited Act.

Nothing to affect existing Rights.

For Settlement of Claims of Weighmasters.

LXXXIII. And whereas certain Persons have heretofore claimed and still claim certain special Rights and Privileges to exercise the Office of Weighmasters of Hay and Straw in *Smithfield* or Borough Weighmaster: And whereas Disputes in reference to such Claims have led to frequent and expensive Litigation, and Breaches of the Peace: And whereas, with a view to prevent a Continuance of the same, the Council may deem it advisable to purchase all such Rights and Privileges, and all Weigh-houses and Weighing Machines in possession or occupation of such Persons: Be it therefore enacted, That it shall be lawful for the Council, subject to the Approval of the Lord Lieutenant, to purchase such Rights or Privileges, and to pay for the same by a Sum of Money in gross, or by way of Annuity, at the Option of and to be assessed by the said Council, and to be paid out of the Improvement Fund by this Act authorized.

Council may appoint Weighmasters in Smithfield.

LXXXIV. And be it enacted, That it shall be lawful for the Lord Mayor to appoint so many Persons as he may think necessary for the Purpose of weighing all such Hay and Straw in *Smithfield* as shall be brought to them for such Purpose; and that such Persons shall hold their Appointment during the Pleasure of the said Lord Mayor; and such Persons may charge such Fees as are authorized by this Act to be taken for weighing the same, and specified in Schedule (E.) to this Act annexed.

LXXXV. And

LXXXV. And be it enacted, That such Persons shall receive such yearly Salaries or Wages, to be fixed by the Council, as the said Council shall think fit; and such Persons shall not be entitled to retain any Fees received by them, but shall pay over the same to the Treasurer of the said Borough, to form Part of the Improvement Fund: Provided always, that the aggregate Amount of such Salaries or Wages shall not in any Case exceed the aggregate Amount of such Fees.

Weigh-masters and other Officers to be paid annual Salaries.

LXXXVI. And be it enacted, That it shall be lawful for the said Lord Mayor, Aldermen, and Burgesses to provide such Slaughter-houses as shall from Time to Time be sufficient for the slaughtering of Cattle for the Supply of the said Borough and the Neighbourhood thereof.

Power to provide Slaughter-houses.

LXXXVII. And be it enacted, That it shall be lawful for the Lord Mayor, Aldermen, and Burgesses from Time to Time to demand, from any Persons occupying or using any Stand, Stall, Shed, Pen, or Place in any Markets belonging to them, or Buildings or Ground connected therewith, or bringing into such Markets or Buildings or Ground any marketable Commodities specified in the Schedule (D.) to this Act annexed, such Stallages, Rents, and Fees as the Lord Mayor, Aldermen, and Burgesses shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Fees specified in the said Schedule (D.)

Stallages or Rents to be taken for the Markets belonging to Corporation.

LXXXVIII. And be it enacted, That it shall be lawful for the Lord Mayor, Aldermen, and Burgesses from Time to Time to demand, in any Cattle Market belonging to them, from any Person bringing therein any Cattle or other live Stock specified in Schedule (D.) to this Act annexed, such Stallages, Rents, and Fees as the Lord Mayor, Aldermen, and Burgesses shall from Time to Time appoint, not exceeding the several Stallages, Rents, and Fees specified in the said Schedule.

Power to demand Rents for Use of the Cattle Market.

LXXXIX. And be it enacted, That it shall be lawful for the Lord Mayor, Aldermen, and Burgesses to demand, from any Person slaughtering Cattle in any Slaughter-house belonging to them, such Charges as are in Schedule (D.) to this Act annexed.

Charges for Use of Slaughter-houses.

XC. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Weighing-houses or Places for weighing or measuring any Article sold in the Markets belonging to the Lord Mayor, Aldermen, and Burgesses, by Weight or Measure, from Time to Time to demand such Fees as the Lord Mayor, Aldermen, and Burgesses shall appoint, not exceeding in any Case the Amount set forth in the Schedule (D.) to this Act annexed.

Fees for weighing and measuring.

XCI. And

Fees for weighing Carts.

XCI. And be it enacted, That it shall be lawful for the Person for the Time being appointed to attend the Machines for weighing Carts in the Markets belonging to the Lord Mayor, Aldermen, and Burgesses, to demand, from the Person requiring the same to be weighed, such Fees as the Lord Mayor, Aldermen, and Burgesses may appoint, not exceeding in any Case the Amount set forth in the Schedule (D.) to this Act annexed, and such Fees shall be paid before any Waggon, Cart, or Carriage in respect of which the same are payable shall be weighed.

Fees, &c. to form Part of the Improvement Fund.

XCII. And be it enacted, That all Fees received for or in respect of the weighing of Goods at any Weigh-house provided by the Council shall be duly accounted for by the Party who shall receive the same to the Treasurer of the Borough; and such Fees, together with all other Fees, Charges, Stallages, or Rents which may be paid for or on account of any new Markets or Slaughter-houses to be built or provided by the Council under the Provisions of this Act, shall be paid to the Treasurer of the Borough, and form Part of the "Improvement Fund."

Copies of Standard Weights and Measures purchased under Powers of 5 G. 4. c. 74. by Magistrates of Dublin to belong to the Corporation.

XCIII. And whereas Doubts are entertained as to whom the Copies of the Standard Weights and Measures purchased by the Magistrates of the City of *Dublin* under the Powers of an Act passed in the Fifth Year of the Reign of King *George* the Fourth, intituled *An Act for ascertaining and establishing Uniformity of Weights and Measures*, now belong: Be it enacted, That the same shall vest in and belong to the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, anything in the said Act, or any Act amending the same, to the contrary notwithstanding.

Lord Mayor, &c. empowered to examine Weights and Measures.

XCIV. And be it enacted, That it shall be lawful for the Lord Mayor, or his Assistant or Deputy, to enter, at all seasonable Hours, any Shop, Yard, or Store, and any Ship or other Vessel, or any Place within his Jurisdiction, where Goods, Provisions, or Merchandize shall be kept for Sale, weighed, or measured, or shall be kept for Conveyance or Carriage, and there to examine all Weights and Measures, and to compare the same with Copies of the Imperial Standard Weights and Measures in the Custody of the Lord Mayor; and if upon such Examination it shall appear that any of the said Weights and Measures are incorrect or unjust, the same shall be seized, and, on being condemned by the Lord Mayor, forfeited and broken up, and on Sale thereof the Proceeds thereof shall be placed to the Credit of the Borough Fund, and the Owner thereof shall be liable to a Penalty not exceeding Five Pounds.

XCV. And

XCV. And be it enacted, That if any Persons shall neglect or refuse to submit for Examination or Adjustment, upon being so required by the Lord Mayor or his Assistant, or his Deputy, any Weights and Measures, or shall offer any Hindrance or Obstruction to such Examination, such Person or Persons shall be liable to a Penalty not exceeding Five Pounds: Provided always, that in case such Weights or Measures shall be found correct and already duly stamped, it shall not be lawful for the said Lord Mayor or his Assistant, or his Deputy, to exact any Fee for such Examination.

Penalty on Persons refusing to submit Weights, &c. to Examination.

XCVI. And be it enacted, That the Fees to be taken for examining and comparing Weights and Measures, and for stamping such as may be correct, and which have not been already duly stamped, shall be the same as are authorized in the Schedule of Fees annexed to the Act passed in the Fifth and Sixth Years of the Reign of His late Majesty King *William* the Fourth, Chapter Sixty-three, intituled *An Act to repeal an Act of the Fourth and Fifth Years of His present Majesty relating to Weights and Measures, and to make other Provisions instead thereof.*

Fees taken for regulating Weights and Measures to be same as authorized by Act of 5 & 6 W. 4. c. 63.

XCVII. And whereas the Trade of hawking Coals for Sale by the Bag or in some other Mode of Retail is now extensively carried on in the City of *Dublin*: And whereas it is desirable to protect the Buyers of such Coals from Fraud: Be it enacted, That every such Hawker of Coals shall be bound to carry with him such Weighing Machine and Weights as the Lord Mayor shall direct, and such Hawker shall weigh such Coals, whenever required so to do by any Buyer thereof, or by any Justice of the Peace or Constable; and if any such Hawker shall not carry with him such Weighing Machine and Weights, or shall refuse to weigh such Coals, when required so to do, as aforesaid, such Hawker, on being convicted thereof before Two Justices of the Peace, shall be subject to a Penalty not exceeding Forty Shillings for each such Offence.

Penalties on Hawkers of Coals not having Weighing Machines, or refusing to weigh, or selling under Weight.

XCVIII. And be it enacted, That the Sale of Coals at the Quays within the said Borough shall not be deemed a Market within the Meaning of this Act, nor shall anything herein contained extend to give the Lord Mayor or Council any Power to control, interfere with, or regulate the Coal Trade, or the Corn Exchange and Corn Trade, or the Butter Trade, within the said Borough, or to alter, repeal, or annul any of the Acts or Provisions of the Acts in force with respect to the said Trades.

Act not to affect Coal, Corn, or Butter Trades.

XCIX. And be it enacted, That the Council may, if they think fit, provide and maintain, in proper and convenient Situations, Urinals, Waterclosets,

Public Conveniences to be erected.

Waterclosets, Privies, and other similar Conveniences for public Accommodation, and defray the necessary Expenses out of the Improvement Rate to be levied under this Act.

Certain Waterclosets to be constructed in Factories.

C. And be it enacted, That if at any Time it appear to the Council, upon the Report of the Surveyor, that any House is used or intended to be used as a Factory or Building in which Persons of both Sexes, and above Twenty in Number, are employed or intended to be employed at One Time in any Manufacture, Trade, or Business, the Council may, if they shall think fit, by Notice in Writing to the Owner or Occupier of such House, require them or either of them, within a Time within the Space of One Month after he shall have received such Notice, to be specified in such Notice, to construct a sufficient Number of Waterclosets or Privies for the separate Use of each Sex; and whosoever neglects or refuses to comply with any such Notice shall be liable for each Default to a Penalty not exceeding Twenty Pounds, and a further Penalty not exceeding Forty Shillings for every Day during which the Default is continued.

Humane Apparatus and Assistants may be provided.

CI. And be it enacted, That it shall be lawful for the Council to purchase, provide, and maintain all such Apparatus, Matters, and Things as may appear to them to be necessary to assist in searching for drowned Persons, and restoring Animation to Persons apparently drowned, and to employ and reward Assistants therein in such Manner as the Council shall deem expedient.

Power to erect Public Clocks and maintain and illuminate them.

CII. And be it enacted, That it shall be lawful for the Council to erect, maintain, and repair any new public Clocks within the said Limits, in such convenient Places as to them may appear expedient, and to light and illuminate in the Night Season all such Clocks, and to restore, renew, keep, and regulate all or any such Clocks, and to do all or any such Matters and Things aforesaid, to such Extent and in such Manner and Form as the Council may from Time to Time deem expedient and conducive to the public Advantage.

From 1st January 1851 Dealers in Marine Stores to be licensed.

CIII. And be it enacted, That from and after the First Day of *January* next after the Commencement of this Act no Person shall carry on within the Limits of this Act the Business of a Dealer in Marine Stores, unless such Person shall have obtained a Licence from the Council authorizing such Person to carry on such Business, and which Licence the Council shall have a discretionary Power of granting or refusing.

CIV. And

CIV. And be it enacted, That every Person who shall be licensed under the Authority of this Act to carry on the Business of a Dealer in Marine Stores shall cause to be painted in Roman Capital Letters, Six Inches at least in Height and of a proportionate and proper Breadth, on the Outside of the Front of the House in which such Business shall in such Licence be stated to be carried on, and so that the same shall be at all Times plainly and distinctly visible and legible, the Christian Name and Surname of such licensed Person at full Length, together with the Words "Licensed Dealer in Marine Stores," and such Person shall continue such Name and Words so painted as aforesaid during all the Time that he shall continue to carry on the said Business upon the same Premises.

Names of Dealers in Marine Stores to be written in Front of Houses where Business is carried on.

CV. And be it enacted, That before any such Licence shall be granted under the Provisions of this Act a Requisition for the same, in such Form as the Council shall from Time to Time provide for that Purpose, shall be made and signed by the Person carrying on or about to carry on the Business in respect of which such Licence shall be applied for, and in every such Requisition there shall be truly specified and set forth the Christian Name and the Surname and Place of Abode of the Person applying for such Licence, and the Place where the Business of such Person is proposed to be carried on.

Persons applying for Licences to sign a Requisition for the same.

CVI. And be it enacted, That every Licence so to be granted shall be signed by the Town Clerk, and shall be in force for One Year only from the Day of the Date of such Licence, or until the next general licensing Day, in case any such licensing Day shall be appointed by the Council, as they are hereby authorized to do.

Licences to be in force for One Year.

CVII. And be it enacted, That there shall be specified in every such Licence the true Christian Name and Surname and Place of Abode of the Person who shall carry on or be about to carry on the Business in respect of which such Licence shall be granted, and also the Name of the Street and the Number of the House in which such Business is or is intended to be carried on, and the particular Rooms or other Parts of such House used or intended to be used for the Purposes of such Business.

What shall be specified in the Licences.

CVIII. And be it enacted, That for every such Licence, and for every Renewal thereof, there shall be paid to the Town Clerk such Sum, not exceeding Twenty Shillings, as the Council shall direct; and the Town Clerk shall enter such Licences in a Book, to be provided and kept by the Council for that Purpose; and such Sums so received shall be paid over to the Treasurer of the Borough, and form Part of the Borough Fund.

Fee to be paid for Licence.

Licences to be entered in a Book.

CIX. And

Licensed Persons to give Notice of Change of Abode and of Place of Business.

CIX. And be it enacted, That so often as any Person named in any Licence as carrying on the Business of a Dealer in Marine Stores shall change his Place of Abode, or the Place of carrying on his said Business, or shall carry on the same in any other Part of the House than that mentioned in the Licence as used for the Purposes thereof, he shall, within Twenty-four Hours next after such Change, give Notice thereof in Writing, signed by him, to the Town Clerk, specifying in such Notice his new Place of Abode, or his new House of Business, or the additional or any other Part of the House used for the Purposes of the said Business, as the Case may be; and such Person shall at the same Time produce his Licence at the Office of the Town Clerk, who shall endorse thereon a Memorandum specifying the Particulars of such Change.

Penalty on Persons carrying on Business without Licence, or changing his Residence or Place of Business without giving Notice.

CX. And be it enacted, That if any Person shall, after the First Day of *January* next after the Commencement of this Act, carry on within the Limits of this Act the Business of a Dealer in Marine Stores without having obtained a Licence for such Purpose, or if any Person, having obtained such Licence, shall neglect or omit to cause his Christian and Surname, together with the Words "Licensed Dealer in Marine Stores," to be so painted, or shall neglect or omit to continue the same so painted as aforesaid, according to the Directions of this Act, or shall change his Place of Abode, or the Place of carrying on his said Business, or shall carry on the same in any other Part of the House than that mentioned in the Licence as used for the Purposes thereof, and shall neglect or omit to give Notice of any such Change, or to produce such Licence in order that such Memorandum as aforesaid may be endorsed thereon, within the Time and in the Manner limited and directed by this Act, he shall forfeit any Sum not exceeding Twenty Pounds, and also any Sum not exceeding Five Pounds, for every Day during which such Business shall be carried on contrary to the Provisions of this Act.

Licences may be suspended or revoked.

CXI. And be it enacted, That any such Licence may be suspended or revoked by the Council, if the Person named in such Licence shall have been convicted of any Offence which in the Opinion of the Council shall render it expedient that such Licence shall be revoked or suspended.

Act not to extend to Shipchandlers or Ropemakers.

CXII. And be it enacted, That nothing in this Act contained with respect to Dealers in Marine Stores shall relate to or affect Persons who, carrying on the Business of a general Shipchandler, or that Business and the Business of a Ropemaker, shall only occasionally deal in second-hand Marine Stores.

CXIII. And

CXIII. And be it enacted, That for the Purpose of building and repairing Sewers within each District into which the District comprised within the Limits of this Act may be divided for the Purposes of Sewers, and for securing and paying off any Monies which may be borrowed for such Purposes, and the Interest thereof, it shall be lawful for the Council to make, assess, and levy for each such District such equal separate Rate, to be called the "District Sewer Rate," as may be necessary for the Purposes aforesaid, not exceeding in any One Year Four-pence in the Pound of the full net annual Value of the Property included in such Rate. District Sewer Rates.

CXIV. And be it enacted, That all Monies which shall come to the Hands of the Council from the said Rate, or which shall be raised by any Mortgage or Security thereof granted by the Council, shall be applied and disposed of as follows: Application of District Sewer Rate

Firstly, in paying the Interest of all Monies borrowed and which shall be from Time to Time due and owing on the Credit of the said Rate;

Secondly, in setting apart and appropriating One Twentieth Part thereof in Payment off of the Principal Monies which shall have been borrowed or secured on the said Sewer Rate;

Thirdly, in building and repairing Sewers within the Limits of this Act:

And lastly, in paying off the Principal of all Monies due on the Credit of the said Rate.

CXV. And be it enacted, That for the Purposes of defraying the Costs and Expenses of carrying this Act and the Powers and Provisions thereof into execution (except the Purposes to which any District Sewer Rates are hereby directed to be applied), and including the Costs and Expenses of making, maintaining, and providing such new Markets, and purchasing Markets, as are herein mentioned, and of defraying the Expenses of and incident to the obtaining of this Act, and also of paying the Amount of Compensation awarded to any Officer or Person under the Provisions of this Act, it shall be lawful for the Council from Time to Time to make, assess, and levy (in lieu and stead of the Rates which might have been assessed and levied under the Provisions of the said recited Acts hereby repealed) such equal Rate, to be called the "Improvement Rate," as may be necessary for the Purposes aforesaid, not exceeding in any One Year Two Shillings in the Pound of the full net annual Value of the Property included in such Rate. Improvement Rate.

Application of Improvement Rate or Improvement Fund.

CXVI. And be it enacted, That all Monies which shall come to the Hands of the Council from the said Rate called the "Improvement Rate," or which shall be raised by any Mortgage or Security thereof granted by the Council, and all other Monies to be received by the Council under this Act, (except the Monies to be raised and levied under the said Rate to be named "District Sewer Rate,") shall form a Fund to be called the "Improvement Fund," and shall be applied to the following Purposes:

Firstly, in defraying the Charges and Expenses which shall have been incurred or incident to the obtaining and passing of this Act;

Secondly, in paying the Interest of all Monies borrowed or Expenses which shall have been incurred or shall be incident to the obtaining and passing this Act;

Thirdly, in paying the Amount of Compensation awarded to any Officer or Person under the Provisions of this Act;

Fourthly, in setting apart the Sum required to pay the Debts hereinbefore mentioned due by the Wide Street Commissioners to the Lords Commissioners of Her Majesty's Treasury and to the *National* Insurance Company of *Ireland*;

Fifthly, in setting apart and appropriating One Twentieth Part thereof in Payment off of the Principal Monies which shall have been borrowed or secured on the said "Improvement Rate;"

Sixthly, in carrying all the Purposes of this Act into execution, except the building and repairing Sewers;

And lastly, in paying off the Principal of all Monies due on the Credit of said "Improvement Rate."

Power to rate and assess public Buildings;

CXVII. And whereas certain public Buildings within the City of *Dublin* have been heretofore rated and assessed towards paving, lighting, and cleansing the Streets of the said City, and it is expedient that they should continue to be rated for such Purposes under the Provisions of this Act: Be it therefore enacted, That it shall be lawful for the Council and they are hereby required, when and at such Times as the before-mentioned Rates and Assessments shall be made, to rate and assess for the Purposes aforesaid all Colleges, Halls, Theatres, Docks, Courts of Law, and all other public Buildings whatsoever, or Buildings occupied for public Purposes, save as herein-after excepted, situate in or fronting to or along the Side or Sides of any Street, Square, Lane, or other public Place or Passage within the Jurisdiction of the Council, in manner following; (that is to say,) to rate and assess all Colleges, Halls, Theatres, Docks, Courts of Law,

and other public Building or Buildings used for public Purposes, at a Rate not exceeding One Shilling by the Year for every Square Yard of the Ground fronting to or on the Side of such Colleges or other Buildings aforesaid, and contained between every such College or Ground, or the Ground belonging to such College or Building, and the Centre of any Street, Lane, or Passage to which it adjoins or fronts; and in case any such College or Building as aforesaid, or the Ground thereto belonging, shall be situated at any of the Quays, Docks, Squares, or Streets built upon one Side only, that then such College or Building shall be rated and assessed as aforesaid according to the Number of Square Yards of the Ground lying between such College or Building and the Wall, Railing, or other Inclosure of such Quay, Dock, Square, or Streets built upon one Side only; and to rate and assess all dead Walls and void Spaces of Ground adjoining to or on the Side or Sides of any Street, Lane, Quay, Court, Square, Alley, or other public Passage within the said Limits (save as aforesaid), although such dead Wall should enclose a Yard or Garden belonging or adjoining to any House or Tenement, for every Yard Running or Lineal Measure of such dead or void Space of Ground adjoining to or along the Side of such Street or Passage as aforesaid, at such respective Rate or Rates, Assessment or Assessments, as to the Council in their Discretion shall seem proper; provided that no Rate or Assessment so to be made in any such Case or Cases as last aforesaid shall exceed in the Year the Rate of Three Shillings for every such Yard Running Measure of such dead Wall or void Space (save as aforesaid) within the aforesaid Limits.

and dead Walls and void Spaces of Ground, &c.

CXVIII. Provided always, and be it enacted, That nothing in this Act contained for any of the Purposes therein or herein mentioned, either which have been or shall hereafter be performed, shall extend or be construed to extend to authorize the imposing or levying any Tax, Rate, or Assessment whatever on any sufficiently fenced or enclosed Lot or Plot of Ground, being laid out for the Purpose of building Houses thereon, in front to any Street or public Passage, and which Lot or Plot has not any Building erected thereon, but is actually in waste, and out of Use or Profit.

Nothing to extend to impose Rates, &c. on unprofitable Ground, &c.

CXIX. Provided also, and be it enacted, That no Person shall be rated to any Rate made in pursuance of this Act in respect of Minister's Money, or of any Church, Chapel, Meeting House, or other Building exclusively used for Public Worship, or any Building exclusively used for the Purposes of gratuitous Education of the Poor or of public Charity, or any Lands, Houses, or Buildings, or Parts of Houses or Buildings, exempted from the Payment of any County, Borough,

Exemption from Rates.

Borough, Parochial, or other local Rates or Cesses, under the Provisions of an Act passed in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act to exempt from County, Borough, Parochial, and other local Rates, Land and Buildings occupied by Scientific or Literary Societies.*

6 & 7 Vict. c. 96.

Composition for Recovery of Rates upon Tenements under the annual Value of 8*l.*, &c.

CXX. And be it enacted, That when the net annual Value of any Premises liable to Assessment under this Act does not exceed the Sum of Eight Pounds, or whenever any Premises liable to such Assessment are let to weekly or monthly Tenants, or in separate Apartments, and the Rents become payable or are collected at any shorter Period than quarterly, the Council may from Time to Time, if they shall think fit, compound with the Owner of such Premises for the Payment of all or any of the Rates to be made under this Act, upon such reduced Estimate of the net annual Value, not being less than Two Thirds or more than Four Fifths of the net annual Value at which the Premises are then assessed, as the Council shall deem to be reasonable; and any Owner who shall refuse to enter into such Composition shall be rated to and pay the Rates assessed upon such Premises in respect of which the Composition is offered; and if at any Time the Amount of Composition or any Rate to which an Owner is last assessed be due and unpaid, the same may be levied by Distress and Sale of the Goods and Chattels of the Owner in default, wheresoever they may be found, or of the Occupier or Occupiers of the Premises, in the same Manner as is herein-after provided with respect to the Recovery of Rates made under this Act or any Act incorporated therewith: Provided always, that no such Owner shall be assessed in respect of any increased Rent which may become payable to him by reason of his so compounding for or becoming liable to any Rates as aforesaid; provided also, that the Owner or Occupiers of any such Premises as last aforesaid shall be liable to Distress and Sale of his or their Goods and Chattels for the Nonpayment of such Amount of Composition or Rates as may become due in respect of the Premises occupied by him or them during his or their Tenancy, but shall never be liable to pay any greater Sum than the Amount of the Rent actually due from him or them for such Premises, and he or they may deduct any Amount paid by him or them for the Rent due or from Time to Time becoming due from him or them, unless there be an Agreement to the contrary, and the Receipt for the Amount paid by him or them shall to that Extent be as against the Owner in default a sufficient Discharge for Rent.

Officers to receive Compensation,

CXXI. And be it enacted, That every salaried Commissioner, and every Officer of the said Commissioners for widening and improving the

the Streets of *Dublin*, and for paving, cleansing, and lighting the Streets of *Dublin*, and of the Grand Jury of the County of the City of *Dublin*, and any Secretary or other Officer employed by the Directors or Trustees of the *Circular Road* Turnpike Trust within the Borough of *Dublin*, and that every Officer of the Lord Mayor or Town Council of *Dublin*, provided he be such Officer of the said Lord Mayor or Town Council at the Period at which this Act shall come into operation respectively, whose Office shall be abolished, or cease or become unnecessary, by reason of this Act, or who shall be removed from his Office under the Provisions of this Act, or of an Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, or of a Bill now pending in Parliament, intituled *An Act to amend the Act for the Regulation of Municipal Corporations in* Ireland *so far as relates to the Borough of* Dublin, in case the same should pass into a Law, or be deprived of Fees or Emoluments to which he would have been entitled if this Act had not been passed, and who shall not be re-appointed under this Act, or who shall not be employed or retained by the Council in an Office of equal Value under this Act, shall be entitled to have an adequate Compensation, by way of a Sum of Money in gross or Annuity, at the Option of and to be assessed by the said Council, and paid out of the Improvement Fund by this Act authorized, for the Salary and for any Fees or Emoluments which he may enjoy or be entitled to receive on account of the Office which he shall cease to hold, regard being had to the Manner of his Appointment to the said Office, and his Term or Interest therein, Length of Service, and all other Circumstances of the Case; and every Person entitled to such Compensation as aforesaid shall, within Three Months after the Day when he shall have so become entitled, deliver to the Town Clerk a Statement under his Hand, setting forth how long he shall have held his said Office, and the Amount received by him or his Predecessor in Office every Year during the Period of Five Years, or such lesser Period as he shall have held his said Office next before the passing of this Act, on account of the Salary, Fees, Emoluments, and Profits in respect of which he shall claim Compensation, and containing a Declaration that the same is a true Statement, according to the best of the Knowledge, Information, and Belief of such Person, and also setting forth the Sum claimed by him as such Compensation; and the said Town Clerk shall lay such Statement before the Council, who shall take the same into consideration, and determine thereon; and if the Council shall not determine on such Claim within Six Months after the aforesaid Statement shall have been delivered to the Town Clerk, such Claim shall be considered as admitted; and, if the Council shall so require, the Person preferring such Claim, upon receiving Notice in Writing signed by the Town Clerk, shall attend

and Mode of ascertaining Compensation.

at any Meeting or adjourned Meeting of the said Council, or any Committee thereof to which the Investigation of such Claim may be referred by such Council, and then and there shall answer all such Questions as shall be asked by any Member of the said Council or Committee touching the Matters set forth in the Statement subscribed by such Person as aforesaid, and produce all Vouchers, Books, Papers, and Writings in his Possession, Custody, or Power relating thereto; and immediately upon a Determination being made by the said Council or Committee touching the Matter in the said Statement, the Person preferring such Claim shall be informed of the Particulars of such Determination, by Notice in Writing under the Hand of the Town Clerk; and in case such Claim shall be admitted in part and disallowed in part, such Notice shall specify the Particulars in which the same shall have been admitted and disallowed respectively; and in case the Person preferring such Claim shall think himself aggrieved by the Determination of the Council thereon, it shall be lawful for him to appeal to the Commissioners of Her Majesty's Treasury, who shall thereupon make such Order as to them shall seem just, and such Order, signed by Three or more of such Lords Commissioners, shall be binding upon all Parties; and the said Council shall from Time to Time pay to every such Person awarded Compensation as aforesaid the Money or Annuity so granted or determined as and for Compensation, when and as the same shall respectively become due and payable; and in case such Compensation shall be by way of Annuity, the same shall be payable by half-yearly Payments: Provided always, that every such Person who shall be continued in or re-appointed to such Office under the Provisions of this Act, and who shall subsequently be removed from such Office for any Cause other than such Misconduct as would warrant Removal from any Office held during good Behaviour, shall be entitled to Compensation in like Manner as if he had been forthwith removed under the Provisions of this Act, and had not been continued in or re-appointed to such Office: Provided also, that no Officer who shall have received Compensation under the Provisions of a Bill now pending in Parliament, intituled *An Act to provide for the Collection of Rates in the City of* Dublin, in case the same shall pass into a Law, shall be entitled to receive Compensation under this Act for the Loss of any Salary, Fees, or Emoluments in respect of which he shall have so received Compensation.

If Compensation by way of Annuity, the same to be secured by Bond.

CXXII. And be it enacted, That the Compensation payable to any such Person aforesaid shall be secured to such Person by Bond or Obligation under the Common Seal of the said Lord Mayor, Aldermen, and Burgesses of *Dublin*, in a sufficient Penalty, conditioned for the Payment to such Person, his Executors, Administrators,

tors, or Assigns, of such Compensation, with all Arrears thereof (if any) which shall have accrued due before the Date of such Bond; and such Bond or Obligation shall be prepared and executed at the Expense of the Fund by this Act made chargeable with such Compensation, and delivered to the Person entitled to such Compensation, as soon as conveniently may be after the Amount thereof shall have been admitted as aforesaid by the Council of the Borough, or shall have been determined, in the event of such Appeal as aforesaid, by Order of the said Commissioners of Her Majesty's Treasury.

Debts due on Turnpikes abolished by this Act to be paid by Council.

CXXIII. And whereas under the said recited Acts relating to the Turnpike Roads in the City of *Dublin* some Debts may be due and owing, and some Claims may arise for which it is just and proper that due Compensation should be made to all Persons having such Rights and Claims, according to the real Value of the same at the Time of the Commencement of this Act: Be it therefore enacted, That it shall be lawful for the Council under this Act, and they are hereby required, in the event of any Claims being made under or in pursuance of the said recited Acts within Twelve Months from the Commencement hereof, to pay or compound for the same, if they shall so think fit; and in case of Dispute as to the Amount thereof the same shall be settled by Arbitration in the Manner provided by the "Lands Clauses Consolidation Act, 1845," with respect to the Purchase and taking of Lands otherwise than by Agreement: Provided always, that with a view to an equitable Arrangement of such Claims the Arbitrators, in estimating such Compensation, are hereby required to take into consideration the Nature and Value of the Security at the Time of the passing of this Act, as well as the Amount of the Claim: Provided also, that the said Council shall not collect any Toll on any such Road within the Limits of the said Borough.

Costs of Proceedings for Recovery of Rates to be included in the Warrant of Distress.

CXXIV. And be it enacted, That it shall be lawful for any Justice who shall issue any Warrant of Distress for the Recovery of any Rate payable under this Act to order that the Costs of the Proceedings for the Recovery of such Rate shall be paid by the Person failing to pay the same, and such Costs shall be ascertained by such Justice, and levied by Distress; and the Justice shall include in his Warrant of Distress for the Recovery of the said Rate the Amount of such Costs, and shall issue his Warrant accordingly.

Application of Monies arising from Sale of superfluous Lands.

CXXV. And be it enacted, That all Monies which shall come to the Hands of the Council in consequence of the Sale of any superfluous Lands under the Provisions of this and the said "Lands Clauses Consolidation Act" shall be applied and disposed of in paying off any Principal Monies at the Time due and owing on the Credit of the said Improvement Fund.

CXXVI. And

Estimates of Sums required by the Council to be transmitted to the Collector General for Collection.

CXXVI. And whereas a Bill is pending in Parliament, intituled *An Act to provide for the Collection of Rates in the City of* Dublin, by which Bill it is, amongst other things, provided, that all Rates to be made under the Provisions of this Act shall be applotted, levied, and collected by the Collector General therein mentioned: Be it enacted, That in case the said Bill shall pass into a Law the Mayor, Aldermen, and Burgesses of *Dublin* shall and they are hereby required to transmit to the Collector General therein mentioned the several Estimates under their Common-Seal required by the said intended Act to be transmitted to him at the respective Dates therein mentioned; and the Amount of such Estimates shall be collected by the said Collector General as in the said intended Act directed, anything in this Act contained to the contrary notwithstanding.

Repeal of "Wide Street Acts" not to invalidate Titles to Property acquired under them.

CXXVII. And be it enacted, and it is hereby expressly declared, That the Repeal of the said Acts herein-before recited, commonly called the "Wide Street Acts," shall not invalidate the Title to any Property purchased or acquired under the Authority of the said Acts or any of them.

Acts relating to Squares not to be affected.

CXXVIII. And be it enacted, That nothing in this Act contained shall extend or be construed to extend to interfere with the several Acts which have been passed for regulating *Stephen's Green*, *Merrion Square*, *Fitzwilliam Square*, *Mountjoy Square*, and *Rutland Square*, in the City of *Dublin*, but all such Acts passed for such Purposes shall be and continue in full Force and Effect as if this Act had not been passed.

Saving Rights of Commissioners of Rathmines.

CXXIX. And be it enacted, That nothing in this Act contained shall prejudice or affect the Rights of the Commissioners of *Rathmines*, if any, which they may have acquired under "The *Rathmines* Improvement Act, 1847."

Saving Rights of Ballast Board.

CXXX. And be it enacted, That nothing in this Act contained shall in anywise extend or be construed to extend to repeal, transfer, or interfere with the Rights, Powers, Privileges, Authorities, or Duties of the Corporation for preserving and improving the Port of *Dublin*, under or by virtue of the Act of Parliament passed in the Twenty-sixth Year of the Reign of His late Majesty King *George* the Third, intituled *An Act for promoting the Trade of* Dublin, *by rendering its Port and Harbour more commodious*, or under or by virtue of any other Act of Parliament whatsoever, anything herein-before contained to the contrary thereof in anywise notwithstanding.

CXXXI. And

CXXXI. And be it enacted, That the Costs, Charges, and Expenses attending or incident to the applying for and obtaining this Act shall be paid by the Treasurer of the said Borough out of the first Money which shall come to his Hands under the Provisions of this Act. Expenses of Act.

CXXXII. And whereas in the Years One thousand eight hundred and forty-seven, One thousand eight hundred and forty-eight, and One thousand eight hundred and forty-nine, certain Bills were promoted for the Improvement of the Borough of *Dublin* and the continuous Supply of Water therein, also for the Consolidation of several of the public Boards of said Borough, and for providing for the better paving, cleansing, and Sewerage of said Borough, also for the Abolition of several of the public Boards and Trusts in the Borough of *Dublin*, by or on behalf of the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, at the Solicitation of *William Ford*, Town Clerk, and *George Lewis Smyth*, Parliamentary Agent for the said Corporation in the Matter of said Bills and the Proceedings herein referred to, and also by or on behalf of certain Rate-payers of said Borough of *Dublin*, at the Solicitation of *Frederick Jackson* of *Dublin*, Solicitor, and *Thomas Baker* of *Spring Gardens, Westminster*, Parliamentary Agent of and for said Rate-payers in the Matter of said Bills and the Proceedings herein referred to respectively: And whereas certain Costs, Charges, and Expenses were incurred by or on the Part of the Promoters of the said Bills respectively, as well before the Surveying Officers appointed under an Act of Parliament passed in the Ninth and Tenth Years of the Reign of Her present Majesty, intituled *An Act for making preliminary Inquiries in certain Cases of Applications for Local Acts*, as well as for and on account of the necessary Proceedings before Parliament in the said Years in relation to the said Bills, and connected therewith or incident thereto, and also in relation to the passing of this Act: And whereas the Costs, Charges, and Expenses incurred as aforesaid still remain due and unpaid to the said respective Parties, and it is expedient to provide for the Payment of the same, as Costs, Charges, and Expenses attending or incident to the applying for and obtaining this Act: Be it therefore enacted, That within Six Calendar Months after the Commencement of this Act the said *William Ford* and *George Lewis Smyth* and the said *Frederick Jackson* and *Thomas Baker* respectively shall furnish their aforesaid Costs, Charges, and Expenses to the Right Honourable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, who shall, within Six Calendar Months after the Statement of said Costs shall respectively have been furnished to them, either make an Order for the Payment of the same upon the Treasurer of the said Borough, or for the Payment of any lesser Sum in discharge thereof, as they shall deem just and reasonable, when Funds applicable to the Payment of said Costs shall have reached the Hands of the said Treasurer, so that in either Case such Costs shall not exceed in the whole the Sum of Six thousand Pounds; Providing for Payment of Costs of former Applications to Parliament. 9 & 10 Vict. c. 106.

Pounds; or in case the said Lord Mayor, Aldermen, and Burgesses shall not make such Order or Orders as aforesaid within Six Calendar Months after the said Costs shall have been respectively furnished to them as aforesaid, or shall omit to send the Statement of said Costs and Expenses respectively for Taxation to the Taxing Officer within such last-mentioned Period, in the Manner herein-after mentioned, then the said Costs and Expenses shall respectively be held to be ascertained at the Amount furnished, but such Sum not to exceed the Sum of Six thousand Pounds in the whole: Provided always, that in case either of the said Parties shall be dissatisfied with the Sum so ordered, then and in such Case the said Lord Mayor, Aldermen, and Burgesses shall, within Six Calendar Months after the Statement of the said Costs and Expenses shall have been so furnished, send the Statement of the said Costs and Expenses of the Party so dissatisfied to be ascertained and determined according to the Manner prescribed by "The House of Commons Costs Taxation Act, 1847;" and it shall be lawful for the Taxing Officer appointed under the said Act, and he is hereby authorized and required, to ascertain and determine all and singular the aforesaid Costs and Expenses, together with the Costs and Expenses of ascertaining and determining the same, upon being requested by the said Corporation, under their Common Seal, so to do; and such Sum or Sums of Money as shall be ascertained and determined, according to the Provisions of the said Act and the Authority of this Act, to be due and payable, provided that said Sum or Sums shall not exceed in the whole the Sum of Six thousand Pounds, for and on account of such Costs and Expenses, shall be and the same is and are hereby required to be paid by the Treasurer of the said Borough to the said *William Ford* and *George Lewis Smyth* and to the said *Frederick Jackson* and *Thomas Baker* respectively, out of the Rates by this Act authorized to be raised: Provided always, that all the Costs, Charges, and Expenses incurred by or on behalf of the Lords of the Admiralty and the Commissioners of Her Majesty's Woods and Forests respectively, in relation to any Inquiries had or made under the Authority of the said last-recited Act of the Ninth and Tenth Year of Her present Majesty, shall be paid by the Treasurer of the said Borough in priority to any other Payment by this Act authorized to be made in relation to the said Bills, and the Amount of such Costs, Charges, and Expenses shall be deducted from the Sum herein-before authorized to be paid.

Interpretation of Terms in this Act.

CXXXIII. And be it enacted, That in this Act the following Words and Expressions shall have the several Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,)

Words importing the Singular Number shall include the Plural Number, and Words importing the Plural Number shall include the Singular Number:

Words

Words importing the Masculine Gender only shall include Female:

The Word "Month" shall include Calendar Month:

The Word "Person" shall include Corporation, whether aggregate or sole:

The Words "Superior Courts" shall mean Her Majesty's Superior Courts of Record at *Dublin*:

The Words "General or Quarter Sessions of the Peace" shall mean General or Quarter Sessions for the Borough of *Dublin*:

The Word "Justice" shall mean the Lord Mayor of *Dublin* for the Time being, and any Justice of the Peace acting in or for the Borough of *Dublin*:

The Word "Oath" shall include Affirmation in the Case of Quakers, or other Declaration lawfully substituted for an Oath in the Case of any other Persons exempted by Law from the Necessity of taking an Oath:

The Words "City of *Dublin* or Borough" shall mean the Borough of *Dublin* as enlarged and extended by the Act passed in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for the Regulation of Municipal Corporations in* Ireland, or any Act or Acts amending the same:

The Words "Council and Town Council" shall mean the Corporation of the City or Borough of *Dublin* as established and defined by the said Act for the Regulation of Municipal Corporations in *Ireland*, or any Act or Acts amending the same:

The Words "Improvement Fund" shall mean and include all Monies which shall be received from or on account of the "Improvement Rate," and all other Monies which may be received as Stallages, Rents, and Fees of Markets belonging to the Council under the Provisions of this Act:

The Word "Street" shall include any Square, Street, Court, Alley, Footpath, Footway, Highway, Lane, Road, Thoroughfare, public Passage, or other Place within the Borough of *Dublin*:

The Word "Court" shall mean any Street, not being a Carriageway, and having the principal or only Entrance of any Dwelling House therein:

The Word "Passage" shall mean any Alley, Way, or other Place, not being a Carriageway, not having the principal or only Entrance of any Dwelling House therein:

The Word "Officer" shall mean a Person in the Receipt of a Salary, or of any Fees or Emoluments arising from an Office or Employment.

CXXXIV. And be it enacted, That this Act shall be a Public Act, and shall be judicially taken notice of as such. Public Act.

SCHE-

## SCHEDULES referred to by the foregoing Act.

### SCHEDULE (A.)—Sect. 29.

*Form of Mortgage Deed.*

By virtue of an Act passed, *&c.*, intituled "An Act," *&c.*, we, the Lord Mayor, Aldermen, and Burgesses of the Borough of Dublin, in consideration of the Sum of paid by *A.B.* of for the Purposes of the said Act, do grant and assign unto the said *A.B.*, his Executors, Administrators, and Assigns, such Proportion of the Rates arising by virtue of the said Act as the said Sum of doth or shall bear to the whole Sum which is or shall be borrowed upon the Credit of the said Rates, to hold to the said *A.B.*, his Executors, Administrators, and Assigns, from this Day until the said Sum of with Interest at per Centum per Annum for the same, shall be fully paid and satisfied [the Principal Sum to be repaid at the End of Years from the Date hereof, *in case any Period be agreed upon for that Purpose*]. In witness whereof we have hereunto set the Common Seal of the said Borough, this Day of 184 .

### SCHEDULE (B.)—Sect. 32.

*Form of Grant of Annuity.*

By virtue of an Act passed, intituled "An Act," *&c.*, we, the Lord Mayor, Aldermen, and Burgesses of the Borough of Dublin, in consideration of the Sum of paid by do grant unto the said *A.B.* an Annuity or yearly Sum of to be issuing out of the Rates arising by virtue of the said Act, to be paid to the said *A.B.* during the Term of his natural Life [*or, as the Case may be*, to the said his Executors, Administrators, or Assigns, during the natural Life of *or* during the natural Lives of and and the Life of the Survivor], upon the Day of in every Year during his natural Life [*or, as the Case may be*, during the natural Life of the said *or* of the said and the Survivor of them], the first Payment thereof to be made upon the Day of next ensuing the

the Date hereof. In witness whereof we have hereunto set the Common Seal of the said Borough, the Day of 184 .

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SCHEDULE (C.)—SECT. 87.

*Form of Transfer of Mortgage or Grant of Annuity.*

I *A.B.* of in consideration of the Sum of paid to me by *C.D.* of do hereby transfer to the said *C.D.*, his Executors, Administrators, and Assigns, a certain Mortgage, Number [*or*, a certain Grant of Annuity, Number *as the Case may be*], made by the Lord Mayor, Aldermen, and Burgesses of the Borough of Dublin to bearing Date the Day of for securing the Sum of and Interest, [*or*, for granting an Annuity of *as the Case may be, or, if such Transfer be by Indorsement*, the within Security], and all my Right, Estate, and Interest in and to the Money thereby secured [*or*, the Annuity thereby granted], and in and to the Rates thereby assigned. In witness whereof I have hereunto set my Hand and Seal, this Day of 184 .

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SCHEDULE (D.)—SECT. 87 ET SEQ.

*Stallages or Rents payable.*

For every covered or uncovered Shed, Stall, Bulk, Block, Bench, Trestle, Standing Place, Compartment, Space, or Station used by any Person for exposing to Sale Flesh Meat, Cheese, Bacon, pickled Pork, Fish, or any other Victuals, Vegetables, Fruit, Glass, Earthenware, or other Goods, Article, Commodity, or Thing whatsoever, (except as herein otherwise specifically charged,) the following Rents per Day shall be taken:

Not exceeding Three Feet by Three Feet, Sixpence;

Not exceeding Six Feet by Five Feet, One Shilling;

Not exceeding Nine Feet by Five Feet, One Shilling and Sixpence;

Not exceeding Twelve Feet by Five Feet, Two Shillings;

And in the same Proportion for any larger Space.

From any Person exposing for Sale any Article, Matter, or Thing, and not occupying any Shed, Stall, Bulk, Block, Trestle, or Station, nor any defined Compartment or Space on the Surface of the Ground;

If the Spot on which such Person shall stand be within the covered Market,

For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Day, the Sum of One Penny Halfpenny:

If the Spot be not situate within the covered Market,

For any Basket, Hamper, Parcel, or Quantity of such Article, Matter, or Thing, for each Day, the Sum of One Penny.

Carts.

For the Space occupied by every Cart or other Vehicle used by any Person for exposing or in which shall be exposed to Sale any Article, Commodity, or Thing, the following Rents per Day:

If drawn by One Horse, Nine-pence; by Two Horses, One Shilling:

If drawn by any One other Animal, Sixpence; or, if by Two other Animals, Nine-pence.

Cattle.

For the Exposure to Sale of Horses or other Beasts, Cattle, or Pigs, as follows; (that is to say,)

For every Horse, Mare, or Gelding, Four-pence:

For every Mule, Ass, Colt, Filly, or Foal, Two-pence:

For every Bull, Ox, Cow, Heifer, or Steer, Three-pence:

For every Stallion exposed or shown on a Market Day, One Shilling:

For every Calf, One Penny:

For every Score of Sheep or Lambs, Ten-pence:

For every Score of Pigs, Ten-pence:

For every Score of Sucking Pigs, Five-pence:

And so on in proportion for any greater Number, and One or more not exceeding Five to be paid for as a Quarter of a Score.

Weighing and Measuring.

For weighing every Piece of Meat or any other Article or Thing weighing not more than Twenty Pounds Avoirdupois, One Halfpenny:

For weighing every Piece of Meat or other Article or Thing weighing more than Twenty Pounds and not exceeding One hundred Pounds, One Penny, and so in proportion for any greater or smaller Quantity than One hundred Pounds Weight over and above One hundred Pounds Weight:

For measuring any Quantity of Goods and Things sold by Measure not exceeding One Bushel, One Halfpenny:

For measuring every Quantity more than a Bushel and not exceeding Two Bushels, One Penny:

And for every Bushel beyond Two Bushels, One Halfpenny.

Weighing

Weighing Machines.

For weighing any Cart or other Carriage, laden or unladen, the Sum of One Halfpenny per Hundred Weight.

Slaughter-houses.

For every Bull, Ox, Cow, Bullock, Steer, or Heifer, One Shilling:
For every Calf, Sixpence:
For every Sheep, Lamb, or Goat, Three-pence:
For every Hog or Pig, Four-pence:
For any other Beast, One Shilling.

The above-mentioned Stallages and Rents in the said Markets to be paid and payable in respect to the Occupation of any Stall, Bench, Compartment, or Space of Ground, as well by the original Taker or Occupier thereof for a Part or Portion of the Day or Space of Time, as by any subsequent Taker or Occupier of the same for any other Part or Portion of the Day or Space of Time.

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## SCHEDULE (E.)

*Fees for weighing Hay or Straw in Smithfield Market.*

For weighing any Cart or other Carriage laden with Hay or Straw, or unladen, not exceeding the Sum of One Halfpenny per Hundred Weight.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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the United Kingdom of *Great Britain* and *Ireland*, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Two or more of them, or the Lord High Treasurer of the said United Kingdom, are or is hereby authorized and empowered to issue and apply the same accordingly.

The Treasury may cause Exchequer Bills to be made out in manner prescribed by 48 G. 3. c. 1., 4 & 5 W. 4. c. 15., and 5 & 6 Vict. c. 66.

II. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, or any Two or more of them, from Time to Time, by Warrant under their Hands, to cause or direct any Number of Exchequer Bills to be made out at the Receipt of Her Majesty's Exchequer at *Westminster* for any Sum or Sums of Money not exceeding in the whole the Sum of Ten millions four hundred twenty-three thousand two hundred and twenty-seven Pounds Twelve Shillings and Seven-pence; and such Exchequer Bills shall be made out in the same or like Manner, Form, and Order, and according to the same or like Rules and Directions, as are directed and prescribed in an Act passed in the Forty-eighth Year of the Reign of His Majesty King *George* the Third, intituled *An Act for regulating the issuing and paying off of Exchequer Bills*, and in another Act passed in the Session of Parliament holden in the Fourth and Fifth Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to regulate the Office of the Receipt of His Majesty's Exchequer at* Westminster, and in another Act passed in the Session of Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for further regulating the Preparation and Issue of Exchequer Bills.*

The Clauses, &c. in recited Acts extended to this Act

III. And be it enacted, That all and every the Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities contained in the said recited Acts shall be applied and extended to the Exchequer Bills to be made out in pursuance of this Act, as fully and effectually, to all Intents and Purposes, as if the said several Clauses, Provisoes, Powers, Privileges, Advantages, Penalties, Forfeitures, and Disabilities had been particularly repeated and re-enacted in the Body of this Act.

Interest on Exchequer Bills.

IV. And be it enacted, That the Exchequer Bills to be made out in pursuance of this Act shall and may bear an Interest not exceeding the Rate of Three-pence Halfpenny *per Centum per Diem* upon or in respect of the whole of the Monies respectively contained therein.

Bank of England may advance 10,423,227*l.* 18*s.* 7*d.* on the Credit of this Act, notwith-

V. And be it declared and enacted, That it shall and may be lawful for the Governor and Company of the Bank of *England*, and they are hereby empowered, to take, accept, and receive the Exchequer Bills authorized to be made out in pursuance of this Act, and to advance or

or lend to Her Majesty, at the Receipt of the Exchequer at *Westminster*, upon the Credit of the Sum granted by this Act, out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland*, any Sum or Sums of Money not exceeding in the whole the Sum of Ten millions four hundred twenty-three thousand two hundred and twenty-seven Pounds Twelve Shillings and Seven-pence; anything in an Act passed in the Fifth and Sixth Years of the Reign of King *William* and Queen *Mary*, intituled *An Act for granting to Their Majesties several Rates and Duties upon the Tonnage of Ships and Vessels, and upon Beer, Ale, and other Liquors; and for securing certain Recompences and Advantages in the said Act mentioned to such Persons as shall voluntarily advance the Sum of One million five hundred thousand Pounds towards carrying on the War against* France, or in any other Act or Acts, to the contrary notwithstanding.

standing 5 & 6 W. & M. c. 20.

VI. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury, and they are hereby authorized and empowered, to cause such Bills as shall be prepared by virtue of this Act to be delivered from Time to Time to the Governor and Company of the Bank of *England*, in such Proportions as the Public Service may require, as Security for any Advance or Advances which may be made to Her Majesty by the said Governor and Company of the Bank of *England* under the Authority of this Act.

Bills prepared by virtue of this Act to be delivered to the Bank as Security for such Advances.

VII. And be it enacted, That it shall be lawful for the said Commissioners of Her Majesty's Treasury to issue and apply from Time to Time all such Sums of Money as shall be raised by Exchequer Bills to be made out in pursuance of this Act to such Services as shall then have been voted by the Commons of the United Kingdom of *Great Britain* and *Ireland* in this present Session of Parliament.

Monies raised by Exchequer Bills to be applied to Services voted by the Commons.

VIII. And be it enacted, That the Principal Sum or Sums of Money to be contained in all such Exchequer Bills to be made forth by virtue of this Act, together with the Interest that may become due thereon, shall be and the same are hereby made chargeable and charged upon the growing Produce of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland* in the next succeeding Quarter to that in which the said Exchequer Bills have been issued; and it shall be lawful for the said Commissioners of Her Majesty's Treasury for the Time being, or any Two or more of them, and they are hereby authorized, from Time to Time, by Warrant under their Hands, to direct the Comptroller General of the Receipt of the Exchequer at *Westminster*, in such Manner as they shall

Exchequer Bills made chargeable upon the growing Produce of the Consolidated Fund.

shall think necessary, to grant a Credit on the Exchequer Funds in the Bank of *England* unto such Person or Persons as shall be named in the said Warrant, which Credit shall be chargeable on and paid out of the growing Produce of the said Consolidated Fund of the next succeeding Quarter to that in which the said Exchequer Bills have been issued, for any Sum or Sums of Money not exceeding in the whole a Sum sufficient to discharge and pay off the Principal Sum or Sums of Money contained in such Exchequer Bills then outstanding, and which may have been made out and issued by virtue of this Act, together with all such Interest as may be due thereupon.

Treasury may issue surplus Ways and Means, and Monies in the Exchequer, for Service of the Year 1849

IX. And be it enacted, That there shall and may be issued and applied, for or towards making good the Supply granted to Her Majesty for the Service of the Year One thousand eight hundred and forty-nine, the Sum of One hundred twenty-two thousand five hundred and eighteen Pounds Six Shillings, being the Surplus of Ways and Means granted for the Service of preceding Years, and also the Sum of Five hundred thousand Pounds, a Part of the Sum in the Exchequer of the United Kingdom of *Great Britain* and *Ireland* or remaining to be raised on the Thirtieth Day of *June* One thousand eight hundred and forty-nine, to complete the Aids granted by Parliament for the Service of the Years One thousand eight hundred and forty-seven and One thousand eight hundred and forty-eight, and the Commissioners of Her Majesty's Treasury of the United Kingdom of *Great Britain* and *Ireland*, or any Two or more of them, or the Lord High Treasurer of the said United Kingdom, are or is hereby authorized and empowered to issue and apply the same accordingly.

Monies coming into the Exchequer by 12 & 13 Vict. c. 3.

17,786,700*l.* by Exchequer Bills, 12 & 13 Vict. c. 20;

Monies coming in by 12 & 13 Vict. c. 44;

and 10,423,227*l.* 12*s.* 7*d.*, 122,5[illegible]*l.* 6*s.*,

X. And be it enacted, That all the Monies coming into the Exchequer of *Great Britain* by an Act passed in this Session of Parliament, intituled *An Act to apply the Sum of Eight Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-nine;* and also the Sum of Seventeen millions seven hundred and eighty-six thousand seven hundred Pounds, granted by one other Act passed in this Session of Parliament, intituled *An Act for raising the Sum of Seventeen millions seven hundred and eighty-six thousand seven hundred Pounds by Exchequer Bills, for the Service of the Year One thousand eight hundred and forty-nine;* and all the Monies coming into the said Exchequer by one other Act passed in this Session of Parliament, intituled *An Act to apply the Sum of Three Millions out of the Consolidated Fund to the Service of the Year One thousand eight hundred and forty-nine;* and also the respective Sums of Ten millions four hundred twenty-three thousand two hundred and twenty-seven Pounds

Twelve Shillings and Seven-pence, One hundred twenty-two thousand five hundred and eighteen Pounds Six Shillings, and Five hundred thousand Pounds, by this Act granted, shall be further appropriated and are hereby appropriated, and shall be issued and applied, for and towards the several Uses and Purposes hereafter expressed.

and 500,000*l.* to be applied as hereafter expressed.

XI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Three hundred twenty-three thousand seven hundred and eighty-seven Pounds Six Shillings and Ten-pence, to defray the Excess of the Naval Expenditure beyond the Grants for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and forty-eight.

There shall be issued 323,787*l.* 6*s.* 10*d.* for Naval Excess

XII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seven millions twenty-one thousand seven hundred and twenty-four Pounds, for and towards the Naval Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding One million three hundred fifty-five thousand four hundred and twenty Pounds, to defray the Charge of Wages to Forty thousand Seamen and Marines, and to the Ordinary and Yard Craft, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Five hundred thirty-eight thousand six hundred and forty-two Pounds, to defray the Charge of Victuals to Seamen and Marines in Her Majesty's Fleet, and to the Ordinary and Yard Craft, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Seven hundred sixty-four thousand seven hundred and sixty-three Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One million one hundred sixty-eight thousand eight hundred and sixty-nine Pounds, to defray the Expense of Naval Stores for the Building, Repair, and Outfit of the Fleet, the Purchase of Steam Machinery, and for other Purposes connected therewith, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Seven hundred thirty-two thousand two hundred and fifty-two Pounds, to defray the Charge of Half Pay to Officers of the Navy and

There shall be issued 7,021,724*l.* for Naval Services; viz.

1,355,420*l.* for Wages to 40,000 Seamen, Marines, &c.;

538,642*l.* for Victuals, &c. in the Navy;

764,763*l.* for Wages of Artificers, &c. at home;

1,168,869*l.* for Naval Stores, &c.;

732,252*l.* for Naval Half Pay;

and of the Royal Marines, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Five hundred thousand five hundred and sixty-one Pounds, to defray the Charge of Military Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One hundred sixty-one thousand three hundred and fifty-seven Pounds, to defray the Charge of Civil Pensions and Allowances, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One hundred thirty-eight thousand two hundred and fourteen Pounds, to defray the Salaries of the Officers and the contingent Expenses of the Admiralty Office, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Nine thousand seven hundred and seventy-two Pounds, to defray the Salaries of the Officers and the contingent Expenses of the General Register and Record Office of Seamen, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Fifty-two thousand eight hundred and forty-seven Pounds, to defray the Salaries of the Officers and the contingent Expenses of the several Scientific Departments of the Navy, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One hundred thirty-seven thousand two hundred and eighty-seven Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments at home, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Twenty-four thousand eight hundred and seventy-three Pounds, to defray the Salaries of the Officers and the contingent Expenses of Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Forty thousand seven hundred and forty-four Pounds, to defray the Charge of Wages to Artificers, Labourers, and others employed in Her Majesty's Naval Establishments abroad, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Three hundred ninety-one thousand nine hundred and thirty-four Pounds,

500,561*l.* for Military Pensions.

161,357*l.* for Civil Pensions;

138,214*l.* for Salaries, &c. of the Admiralty Office;

9,772*l.* for Registry Office of Seamen, &c.;

52,847*l.* for the Navy Scientific Departments;

137,287*l.* for Naval Establishments at home;

24,873*l.* for Naval Establishments abroad;

40,744*l.* for Wages of Artificers, &c. abroad;

391,934*l.* for new Works in Naval Establishments;

Pounds, to defray the Charge of new Works, Improvements, and Repairs in the Naval Establishments, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Twenty-seven thousand six hundred and five Pounds, to defray the Charge of Medicines and Medical Stores, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Sixty-eight thousand four hundred Pounds, to defray the Charge of divers Naval Miscellaneous Services, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred eight hundred and fifty; and any Sum or Sums of Money not exceeding One hundred forty-seven thousand two hundred Pounds, to defray the Charge for the Freight of Ships and for the Victualling and Conveyance of Troops and Stores on account of the Army and Ordnance Departments, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Seven hundred forty-eight thousand two hundred and ninety-six Pounds, to defray the Charge of the Post Office Packet Service, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Twelve thousand six hundred and eighty-eight Pounds, to defray the Expense of the Equipment of Her Majesty's Ship "*North Star*," for the Purpose of taking out a Supply of Provisions and Stores for the Crews of Her Majesty's Ships *Investigator* and *Enterprize* employed on an Expedition to the Arctic Regions.

27,605*l.* for Medicines, &c.;

68,400*l.* for Naval Miscellaneous Services;

147,200*l.* for Freight of Ships, &c. for Army and Ordnance Services;

748,296*l.* for Packet Service.

12,688*l.* for Expedition to the Arctic Regions.

XIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred nineteen thousand nine hundred and fifty Pounds and One Penny, to defray the Excess of the Army Expenditure beyond the Grants for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and forty-eight; and any Sum or Sums of Money not exceeding Sixty-five thousand five hundred and twenty-five Pounds and One Penny, to defray the Excess of the Commissariat Expenditure beyond the Grants for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and forty-eight.

For Army Excess, 119,950*l.* 0*s.* 1*d.*

For Commissariat Excess, 65,525*l.* 0*s.* 1*d.*

XIV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Six millions seven

There shall be issued 6,786,889*l.* for Army Services viz.

seven hundred eighty-six thousand eight hundred and eighty-three Pounds, for and towards the Army Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Three millions six hundred fifty-five thousand five hundred and eighty-eight Pounds, to defray the Charge of Her Majesty's Land Forces for Service in the United Kingdom of *Great Britain* and *Ireland* and Stations abroad (excepting the Regiments employed in the Territorial Possessions of the *East India* Company), which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive;

3,655,588*l.* for Forces in U.K. and Stations abroad (except the East Indies);

and any Sum or Sums of Money not exceeding One hundred seventy-three thousand three hundred and seventy-six Pounds, to defray the Charge of General Staff Officers and Officers of the Hospitals serving with Her Majesty's Forces in the United Kingdom of *Great Britain* and *Ireland* and on Foreign Stations (excepting *India*), and of Her Majesty's Garrison of the Tower of *London*, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive;

173,376*l.* for General Staff Officers, &c.;

and any Sum or Sums of Money not exceeding Ninety-four thousand one hundred and ninety-nine Pounds, to defray the Charge of the Allowances to the principal Officers of the several public Departments in *Great Britain*, their Deputies, Clerks, and contingent Expenses, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive;

94,199*l.* for Allowances to Officers, &c. of public Military Departments;

and any Sum or Sums of Money not exceeding Seventeen thousand four hundred and eight Pounds, to defray the Charge of the Royal Military College, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive;

17,408*l.* for Royal Military College.

and any Sum or Sums of Money not exceeding Nineteen thousand two hundred and ninety-eight Pounds, to defray the Charge of the Royal Military Asylum and of the *Hibernian* Military School, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive;

19,298*l.* for Royal Military Asylum, &c.;

and any Sum or Sums of Money not exceeding Sixty-six thousand two hundred and eighty-six Pounds, to defray the Charge of Volunteer Corps, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive;

66,286*l.* for Volunteer Corps;

and any Sum or Sums of Money not exceeding Fifteen thousand one hundred and twenty Pounds, to defray the

15,120*l.* for Rewards for distinguished Military Services;

the Charge of Allowances as Rewards for distinguished Services, and of Allowances to Officers of Her Majesty's Garrisons holding their Appointments as Rewards for Military Service in the United Kingdom of *Great Britain* and *Ireland* and on Foreign Stations, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive; and any Sum or Sums of Money not exceeding Seventy-eight thousand nine hundred and eight Pounds, to defray the Charge of the Pay of General Officers in Her Majesty's Forces, not being Colonels of Regiments, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive; and any Sum or Sums of Money not exceeding Fifty-six thousand Pounds, to defray the Charge of Full Pay for Reduced and Retired Officers of Her Majesty's Forces, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive; and any Sum or Sums of Money not exceeding Four hundred thousand Pounds, to defray the Charge of Half Pay and Military Allowances to Reduced and Retired Officers of Her Majesty's Land Forces, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive; and any Sum or Sums of Money not exceeding Forty-four thousand one hundred and fifty-six Pounds, to defray the Charge of Half Pay and reduced Allowances to Officers of disbanded Foreign Corps, of Pensions to wounded Foreign Officers, and of Allowances to the Widows and Children of deceased Foreign Officers, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive; and any Sum or Sums of Money not exceeding One hundred twenty-eight thousand seven hundred and seventy-eight Pounds, to defray the Charge of Pensions to be paid to the Widows of Officers of the Land Forces, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive; and any Sum or Sums of Money not exceeding Ninety-five thousand five hundred Pounds, to defray the Charge of Allowances on the Compassionate List, of Allowances as of Her Majesty's Royal Bounty, and Pensions, Gratuities, and Allowances to Officers for Wounds, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and

78,908*l.* for Pay of General Officers;

56,000*l.* for Full Pay for Retired Officers;

400,000*l.* for Half Pay for Retired Officers;

44,156*l.* for Half Pay for Officers of disbanded Foreign Corps, &c.;

128,778*l.* for Pensions to Widows;

95,500*l.* for Compassionate List, &c.;

35,541*l.* for In-Pensioners of Chelsea and Kilmainham Hospitals;

and fifty, both Days inclusive; and any Sum or Sums of Money not exceeding Thirty-five thousand five hundred and forty-one Pounds, to defray the Charge of *Chelsea* and *Kilmainham* Hospitals, and of the In-Pensioners of those Establishments, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive; and any Sum or Sums of Money not exceeding One million two hundred twenty-four thousand and fifty-three Pounds, to defray the Charge of the Out-Pensioners of *Chelsea* Hospital, of Pensioners from *Hanoverian* Corps which served with the *British* Army in One thousand seven hundred and ninety-three, One thousand seven hundred and ninety-four, and One thousand seven hundred and ninety-five, and of the Military Organization of Out-Pensioners in the United Kingdom, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive; and any Sum or Sums of Money not exceeding Thirty-eight thousand Pounds, to defray the Charge of Allowances, Compensations, and Emoluments in the Nature of Superannuation or Retired Allowances to Persons formerly belonging to the several Military Public Departments in the United Kingdom of *Great Britain* and *Ireland*, which will come in course of Payment from the First Day of *April* One thousand eight hundred and forty-nine to the Thirty-first Day of *March* One thousand eight hundred and fifty, both Days inclusive; and any Sum or Sums of Money not exceeding Four hundred and eighty-eight thousand Pounds, to defray the Charge of the Commissariat Department, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Forty-three thousand eight hundred and seventy-two Pounds, to defray the Charge of Half Pay, Pensions, and Allowances in the Commissariat Department, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One hundred and twelve thousand eight hundred Pounds, to defray the Charge of the Disembodied Militia of *Great Britain* and *Ireland*, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty.

1,224,053*l.* for Out-Pensioners of Chelsea Hospital, &c.;

38,000*l.* for Superannuations in Military Public Departments;

488,000*l.* for Commissariat Department;

43,872*l.* for Half Pay of Commissariat Department;

112,800*l.* for Disembodied Militia;

For Ordnance Excess of 1846, 97,984*l.* 13*s.* 1*d.*

XV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Ninety-seven thousand nine hundred and eighty-four Pounds Thirteen Shillings and One Penny, to defray the Excess of the Ordnance Expenditure beyond the

the Grants for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and forty-six; and any Sum or Sums of Money not exceeding Thirty-five thousand three hundred and eighty-six Pounds Fifteen Shillings and Seven-pence, to defray the Excess of the Ordnance Expenditure beyond the Grants for the Year ended on the Thirty-first Day of *March* One thousand eight hundred and forty-eight.

For Ordnance Excess of 1848, 35,386*l.* 15*s.* 7*d.*

XVI. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Two millions six hundred thirty-two thousand six hundred and one Pounds, for and towards the Ordnance Services herein-after more particularly mentioned; (that is to say,) any Sum or Sums of Money not exceeding Seven hundred eleven thousand eight hundred and ninety-five Pounds, to defray the Expense of the Pay, Allowances, and Contingencies of Ordnance Military Corps, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Three hundred and one thousand six hundred and fifty Pounds, to defray the Expense of the Commissariat and Barrack Supplies for Her Majesty's Forces, Great Coats for the Army, Clothing for Colonial Corps, *&c.*, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Eighty-five thousand eight hundred and eighty-one Pounds, to defray the Expense of the Ordnance Office, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Three hundred fifteen thousand three hundred and seventy-three Pounds, to defray the Expense of the Establishments in the United Kingdom and Colonies, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One hundred forty-one thousand three hundred and thirty Pounds, to defray the Expense of the Wages of Artificers and Labourers in the United Kingdom and Colonies, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Three hundred twenty-three thousand four hundred and eighteen Pounds, to defray the Expense of Ordnance Stores for Land and Sea Service, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Four hundred eighty-six thousand

There shall be issued 2,632,601*l.* for Ordnance Services; viz.

711,895*l.* for Pay of Ordnance Military Corps;

301,650*l.* for Commissariat and Barrack Supplies, &c.;

85,881*l.* Expense of Ordnance Office;

315,373*l.* for Establishments in United Kingdom and Colonies;

141,330*l.* for Wages of Artificers, &c.;

323,418*l.* for Ordnance Stores for Land and Sea Service;

486,536*l.* for Works and Repairs;

thousand five hundred and thirty-six Pounds, to defray the Expense of Works, Buildings, and Repairs which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Ninety-four thousand eight hundred and fifty-nine Pounds, to defray the Expense of the Scientific Branch of the Ordnance, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One hundred seventy-one thousand six hundred and fifty-nine Pounds, to defray the Expense of Non-effective Services, Military and Civil, which will come in course of Payment during the Year ending on the Thirty-first Day of *March* One thousand eight hundred and fifty.

94,859*l.* for Scientific Branch;

171,659*l.* for Non effective Services.

There shall be issued 17,786,700*l.* to pay off Exchequer Bills of 1849;

for Transfer of Aids, 500,000*l.*

XVII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Seventeen millions seven hundred eighty-six thousand and seven hundred Pounds, to pay off and discharge Exchequer Bills charged on the Aids of One thousand eight hundred and forty-nine, unprovided for; and any Sum or Sums of Money not exceeding Five hundred thousand Pounds, to discharge the like Amount of Supplies granted for the Service of the Year One thousand eight hundred and forty-eight, or for any preceding Year.

There shall be issued 52,173*l.* 2*s.* 11*d.* to replace escheated Property of John Turner.

XVIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Fifty-two thousand one hundred and seventy-three Pounds Two Shillings and Eleven-pence, to enable Her Majesty to replace the Amount carried to the Credit of the Consolidated Fund as the escheated Property of the late *John Turner*.

There shall be issued 109,900*l.* for New Houses of Parliament;

100,000*l.* for Civil Contingencies;

103,467*l.* for Repair of Royal Palaces, &c.

XIX. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred and nine thousand nine hundred Pounds, to defray the Charge to the Thirty-first Day of *March* One thousand eight hundred and fifty of the Works at the New Houses of Parliament; and any Sum or Sums of Money not exceeding One hundred thousand Pounds, to defray the Charge for Civil Contingencies to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One hundred and three thousand four hundred and sixty-seven Pounds, to defray to the Thirty-first Day of *March* One thousand eight hundred and fifty the Expense of Maintenance and Repair of Royal Palaces

Palaces and Public Buildings, for providing the necessary Supply of Water for the same, for Rents of Houses taken for the occasional and temporary Accommodation of the Public Service, for the Purchase and Repair of Furniture required in the various Public Departments, and for Services connected with the lighting, watching, and general Protection of the Public Offices; and any Sum or Sums of Money not exceeding Fourteen thousand two hundred Pounds, to defray, in the Year One thousand eight hundred and forty-nine, the Expense of Works for enlarging and improving *Buckingham Palace*; and any Sum or Sums of Money not exceeding Three thousand two hundred and eighty-four Pounds, to defray the Expense of providing temporary Accommodation for the Houses of Parliament, Committee Rooms, Offices, and temporary official Residences for the Speaker of the House of Commons, and other Officers of the House, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Forty-five thousand seven hundred and seventy-one Pounds, on account of the Works at the new Packet Harbour and Harbour of Refuge at *Holyhead*, and to defray the Expense of the present Harbour Establishment at *Holyhead*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One hundred forty-one thousand five hundred Pounds, to defray, in the Year One thousand eight hundred and forty-nine, the Expense of constructing Harbours of Refuge; and any Sum or Sums of Money not exceeding Ten thousand Pounds, for Works and Repairs to the *Caledonian* Canal, in the Year One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Twenty-four thousand two hundred and thirty-three Pounds, to defray the Expense of maintaining the several Public Buildings in the Department of the Commissioners of Public Works in *Ireland*, also the Expense of Inland Navigation and other Services under the Direction of the said Commissioners, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Nine thousand five hundred and fifty Pounds, to defray the Expense of Works and Repairs at *Kingstown* Harbour, and to provide for the Harbour Establishment, to the Thirty-first Day of *March* One thousand eight hundred and fifty.

14,200*l.* for enlarging Buckingham Palace;

3,284*l.* for temporary Accommodation for Houses of Parliament, &c.;

45,771*l.* for Holyhead Harbour;

141,500*l.* for Harbours of Refuge;

10,000*l.* for Caledonian Canal;

24,233*l.* for Public Buildings in Departments of Public Works in Ireland;

9,550*l.* for Kingstown Harbour.

XX. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Ninety-three thousand two hundred Pounds, to pay the Salaries and Expenses of the Two Houses of Parliament, and Allowances to Retired Officers of the Two Houses, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Fifty-seven thousand two

There shall be issued 93,200*l.* for Salaries, &c. of Houses of Parliament;

57,200*l.* for the Treasury;

two hundred Pounds, to pay the Salaries and Expenses of the Department of Her Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Twenty-five thousand four hundred Pounds, to pay the Salaries and Expenses of the Office of Her Majesty's Secretary of State for the Home Department, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Seventy-six thousand Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for Foreign Affairs, and also of the Queen's Messengers and Extra Couriers attached to that Department, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Thirty-six thousand nine hundred Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Secretary of State for the Colonies, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Forty-three thousand Pounds, to pay the Salaries and Expenses in the Department of Her Majesty's Most Honourable Privy Council and Committee of Privy Council for Trade, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Two thousand Pounds, to pay the Salary of the Lord Privy Seal, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Twenty-three thousand nine hundred Pounds, to pay the Salaries, contingent and other Expenses, of the Office of Her Majesty's Paymaster General, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Six thousand six hundred and twenty-six Pounds, to pay the Salaries and Expenses in the Department of the Comptroller General of the Exchequer, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Two thousand seven hundred Pounds, to defray the Salaries and Expenses of the State Paper Office, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Three thousand five hundred and forty Pounds, to defray a Portion of the Expenses of the Ecclesiastical Commissioners for *England*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Two hundred and forty thousand Pounds, to defray Expenses connected with the Administration of the Laws relating to the Poor, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Forty-five thousand six hundred and ninety-four Pounds, to defray the Expenditure of the Mint, to the Thirty first Day of *March* One thousand eight

25,400*l.* for the Home Department;

76,000*l.* for the Foreign Department;

36,900*l.* for the Colonial Department;

43,000*l.* for the Privy Council and Privy Council for Trade;

2,000*l.* for Lord Privy Seal;

23,900*l.* for Office of Paymaster General;

6,626*l.* for Department of Comptroller General of Exchequer;

2,700*l.* for State Paper Office;

3,540*l.* Part Expenses of Ecclesiastical Commissioners for England;

240,000*l.* for Administration of Poor Laws;

45,694*l.* for the Mint;

eight hundred and fifty; and any Sum or Sums of Money not exceeding Seven thousand nine hundred and ninety-six Pounds, to defray the Charge of the Office of the Commissioners of Railways, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Twelve thousand eight hundred and twenty-two Pounds, to pay the Salaries and Expenses connected with the Public Records, and Compensations to Keepers of Records and others, whose Offices have been abolished, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Eleven thousand eight hundred and seventy-nine Pounds, to pay the Salaries and Expenses of the Inspectors of Factories, Mines, *&c.*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One thousand seven hundred and fifty-five Pounds, to pay the Salaries of certain Officers in *Scotland* and other Charges formerly paid from the Hereditary Revenue, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Six thousand four hundred and sixty-four Pounds, to defray the Charge of the Salaries of the Officers and Attendants of the Household of the Lord Lieutenant of *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Twenty-four thousand two hundred and thirty-five Pounds, to pay the Salaries and Expenses of the Chief Secretary to the Lord Lieutenant of *Ireland* in *London* and *Dublin*, and the Privy Council Office in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Five thousand five hundred and ninety-six Pounds, to defray the Charge of the Office of the Paymaster of Civil Services in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Thirty nine thousand five hundred and sixty-two Pounds, to pay the Salaries and Expenses of the Board of Public Works in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Thirty-nine thousand Pounds, to defray the Charge of Her Majesty's Foreign and other Secret Services, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Two hundred seventy-seven thousand seven hundred and sixty-two Pounds, to defray the Expenses of Stationery, Printing, and Binding for the several Public Departments, including the Expense of the Stationery Office, to the Thirty-first Day of *March* One thousand eight hundred and fifty.

7,996*l.* for Commissioners of Railways;

12,822*l.* for Public Records, &c.;

11,879*l.* for Salaries, &c. of Inspectors of Factories, &c.;

1,755*l.* Civil Charges, Scotland, &c.;

6,464*l.* for Officers, &c. of Lord Lieutenant of Ireland;

24,235*l.* for Salaries of Chief Secretary, &c., Ireland;

5,596*l.* for Paymaster of Civil Services, Ireland;

39,562*l.* for Board of Public Works, Ireland;

39,000*l.* for Foreign and Secret Services;

277,762*l.* for Stationery, &c. for Public Departments;

XXI And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum

There shall be issued 26,000*l.* for Office of Solicitor to the Treasury;

Sum or Sums of Money not exceeding Twenty-six thousand Pounds, to defray Law Charges, and the Salaries, Allowances, and incidental Expenses in the Office of the Solicitor for the Affairs of Her Majesty's Treasury, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Nine thousand Pounds, to defray the Expenses connected with the Prosecution of Offenders against the Laws relating to the Coin, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Seventeen thousand seven hundred Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and fifty, the Expenses incurred by Sheriffs, the Deficiency in the Fees in the Office of the Queen's Remembrancer in the Exchequer, the Salaries and ancient Allowances to certain Officers of the Court of Exchequer, and certain Expenses of the Queen's Prison; and any Sum or Sums of Money not exceeding Ten thousand three hundred and seventy Pounds, to defray the Salaries and Expenses of the Commissioners of the Insolvent Debtors Court, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Seventy-three thousand seven hundred and thirty Pounds, to defray Law Expenses in *Scotland*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Sixty-three thousand nine hundred and ninety-one Pounds, to defray the Expense of Criminal Prosecutions and other Law Charges in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Thirty-five thousand five hundred Pounds, towards defraying the Expense of the Metropolitan Police of *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Two hundred and fifty-eight thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and fifty, certain Charges formerly paid out of County Rates, *&c.*; and any Sum or Sums of Money not exceeding Seven hundred and two thousand five hundred and twenty-three Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and fifty, the Expense of general Superintendence over all the Prisons in *England* and *Wales*, in *Scotland* and *Ireland*, the Expenses of Government Prisons and Convict Establishments at home, the Maintenance of Prisoners in County Gaols and *Bethlem* Hospital, the Expenses of Transportation, and the Expenses of the Convict Establishments in the Colonies.

9,000*l.* for Prosecutions under Laws relating to Coin;

17,700*l.* for Expenses of Sheriffs, Salaries of Officers of the Exchequer, &c.;

10,370*l.* for Insolvent Debtors Court;

73,730*l.* for Law Expenses, Scotland;

63,991*l.* for Criminal Prosecutions and Law Charges, Ireland;

35,500*l.* for Metropolitan Police, Dublin,

258,000*l.* for Charges formerly paid out of County Rates;

702,523*l.* for General Superintendence of Prisons, &c.;

There shall be issued 125,000*l.* for Public Education in Great Britain;

XXII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred and twenty-five

five thousand Pounds, for Public Education in *Great Britain*, in the Year One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding One hundred and twenty thousand Pounds, to defray the Expenses of the Commissioners of National Education in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Ten thousand Pounds, to defray the Expenses of the School of Design, and for Aid to Provincial Schools, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Two thousand and six Pounds, to defray the Charge of Salaries and Allowances to certain Professors in the Universities of *Oxford* and *Cambridge*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Four thousand Pounds, to defray the Expenses of the University of *London*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Seven thousand four hundred and eighty Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and fifty, Grants to *Scottish* Universities formerly defrayed from the Hereditary Revenues of the Crown; and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expense of the Royal *Irish* Academy, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Three hundred Pounds, towards defraying the Expense of the Royal *Hibernian* Academy, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Six thousand Pounds, towards defraying the Expense of the Royal *Dublin* Society, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Three thousand one hundred Pounds, towards defraying the Expense of the Royal *Belfast* Academical Institution, to the Thirtieth Day of *September* One thousand eight hundred and forty-nine, and for Salaries to Theological Professors at *Belfast*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Thirty-six thousand two hundred and eighty-eight Pounds, to defray the Expense of new Buildings and Fittings at the *British Museum*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to enable the Trustees of the *British Museum* to defray, in the Year One thousand eight hundred and forty-nine, Expenses incurred in procuring Antiquities for the Museum; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, to defray, in the Year One thousand eight hundred and forty-nine, the Expenses of the National Gallery; and

120,000*l.* for Education, Ireland,

10,000*l.* for School of Design, &c.,

2,006*l.* for certain Professors at Oxford and Cambridge,

4,000*l.* for London University;

7,480*l.* for Grants to Scottish Universities;

300*l.* for Royal Irish Academy,

300*l.* for Royal Hibernian Academy,

6,000*l.* for Royal Dublin Society

3,100*l.* for Royal Belfast Academical Institution;

36,288*l.* for New Buildings, &c. at British Museum.

1,500*l.* for Antiquities for ditto;

1,500*l.* for National Gallery;

18,000*l.* for Geological Survey, &c.;

5,000*l.* for Observatories at Toronto, &c.;

2,800*l.* for completing Monument to Lord Nelson.

42,915*l.* for British Museum,

12,000*l.* for Colleges, Ireland;

and any Sum or Sums of Money not exceeding Eighteen thousand Pounds, to defray the Expenses of the Geological Survey of *Great Britain* and *Ireland*, the Museum of Practical Geology in *London*, and the Museum of *Irish* Industry in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Five thousand Pounds, to defray the Expense of Magnetic Observatories at *Toronto*, *Saint Helena*, the *Cape of Good Hope*, and *Van Diemen's Land*, also for Observations and Services carrying on under the Direction of the Astronomer Royal and Colonel *Sabine*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Two thousand eight hundred Pounds, to defray, in the Year One thousand eight hundred and forty nine—fifty, the Expense of completing the Monument erected in *Trafalgar Square* to the Memory of Lord *Nelson*; and any Sum or Sums of Money not exceeding Forty-two thousand nine hundred and fifteen Pounds, to defray the Charges of the *British Museum*, for the Year ending on the Twenty-fifth Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Twelve thousand Pounds, to defray in the Year One thousand eight hundred and forty-nine, the Expense of the Purchase of the necessary Books, Apparatus, Instruments, *&c.* required for the Use of the Professors in the Colleges established in *Ireland*.

There shall be issued 148,690*l.* for the Consular Establishment abroad;

4,049*l.* for Civil Establishment of the Bermudas;

2,000*l.* for ditto of Prince Edward's Island;

11,578*l.* for Ecclesiastical Establishment of British North American Provinces;

14,102*l.* for Indian Department in Canada;

200*l.* for Civil Establishment of Bahama Islands;

XXIII. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred forty-eight thousand six hundred and ninety Pounds, to defray the Charge of the Consular Establishment abroad, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Four thousand and forty-nine Pounds, to defray the Charge of the Civil Establishment of the *Bermudas*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray the Charge of the Civil Establishment of *Prince Edward's Island*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Eleven thousand five hundred and seventy-eight Pounds, to defray the Expense of the Ecclesiastical Establishment of the *British North American* Provinces, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Fourteen thousand one hundred and two Pounds, to defray the Charge of the *Indian* Department in *Canada*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Two hundred and ninety Pounds, to defray the Charge of the

the Civil Establishment of the *Bahama Islands*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Eighteen thousand and twenty-eight Pounds, to defray the Charge of the Salaries of the Governors, Lieutenant Governors, and others in the *West India* Colonies, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Forty-one thousand one hundred and fifty Pounds, to defray the Charge of the Salaries, Allowances, and Contingencies of the Stipendiary Justices in the *West India* Colonies and the *Mauritius*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Thirteen thousand six hundred and eighty Pounds, to defray the Charge of the Civil Establishment on the Western Coast of *Africa*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Sixteen thousand nine hundred and forty Pounds, to defray Charges connected with the Island of *Saint Helena*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Seven thousand three hundred and seventy-nine Pounds, to defray the Charge of the Settlement of *Western Australia*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One thousand seven hundred and sixty-three Pounds, to defray the Charge of the Settlement at *Port Essington*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, to defray the Charge of the Colony of *New Zealand*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One thousand and twenty-three Pounds, to defray the Charge of the Civil Establishment of *Heligoland*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Five thousand seven hundred Pounds, to defray the Charge of the *Falkland Islands*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Twenty-five thousand Pounds, to defray the Charge of the *British* Settlement at *Hong Kong*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Nine thousand eight hundred and twenty-seven Pounds, to defray the Charge of the Government of *Labuan*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Thirteen thousand six hundred and fifty-four Pounds, to defray the Charge of the Colonial Land and Emigration Board, and other Expenses connected with Emigration, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums

18,028*l.* for Salaries of Governors, &c. of West India Colonies.

41,150*l.* for Salaries, &c. of Stipendiary Justices in West India Colonies and the Mauritius;

13,680*l.* for Civil Establishments on the Western Coast of Africa;

16,940*l.* for St. Helena;

7,379*l.* for Western Australia;

1,763*l.* for Port Essington;

20,000*l.* for New Zealand;

1,023*l.* for Civil Establishment of Heligoland;

5,700*l.* for Falkland Islands;

25,000*l.* for British Settlement at Hong Kong;

9,827*l.* for Labuan;

13,654*l.* for Colonial Land and Emigration Board, &c.;

30,000*l.* for Support of captured Negroes, &c.;

Sums of Money not exceeding Thirty thousand Pounds, to defray Expenses incurred for the Support of captured Negroes and liberated *Africans*, and other Charges, under the Acts for the Abolition of the Slave Trade, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Sixteen thousand eight hundred and fifty Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and fifty, the Salaries and contingent Expenses of the Mixed Commissions established on the Part of Her Majesty under the Treaties with Foreign Powers for suppressing the Traffic in Slaves; and any Sum or Sums of Money not exceeding Twenty thousand Pounds, for extraordinary Disbursements of Her Majesty's Missions abroad, to the Thirty-first Day of *March* One thousand eight hundred and fifty.

16,850*l.* for Commissions for suppressing the Slave Trade;

20,000*l.* for Missions abroad.

XXIV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding One hundred and ten thousand one hundred and seventeen Pounds, to defray the Charge of Superannuation Allowances and Compensations to Persons formerly employed in the Public Service, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Four thousand one hundred Pounds, to enable Her Majesty to grant Relief, to the Thirty-first Day of *March* One thousand eight hundred and fifty, to *Toulonese* and *Corsican* Emigrants, *Saint Domingo* Sufferers, *American* Loyalists, and others who have heretofore received Allowances from Her Majesty; and any Sum or Sums of Money not exceeding Two thousand Pounds, to defray the Expense of the National Vaccine Establishment, for the Year One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Two thousand Pounds, towards the Support of the Refuge for the Destitute, in the Year One thousand eight hundred and forty-nine; and any Sum or Sums of Money not exceeding Eight thousand nine hundred and ninety Pounds, for Payment of the Subsistence of the *Polish* Refugees and Allowances to distressed *Spaniards*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Six thousand four hundred and twenty-three Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and fifty, Miscellaneous Allowances formerly defrayed from the Civil List, the Hereditary Revenue, *&c.*, for which no permanent Provision has been made by Parliament; and any Sum or Sums of Money not exceeding One thousand Pounds, to defray the Expense of the Foundling Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Twelve thousand and ninety-three Pounds, towards defraying the Expense

There shall be issued 110,117*l.* for Superannuations, &c. to Public Officers;

4,100*l.* for Toulonese and Corsican Emigrants, &c.;

2,000*l.* for National Vaccine Institution;

2,000*l.* for Refuge for Destitute;

8,990*l.* for Polish Refugees, &c.;

6,423*l.* to pay Miscellaneous Allowances;

1,000*l.* for Foundling Hospital, Dublin;

12,093*l.* for House of Industry, Dublin;

Expense of the House of Industry, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Eight hundred Pounds, towards defraying the Expense of the Female Orphan House, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Two thousand two hundred and fifty Pounds, to defray the Expense of the *Westmoreland* Lock Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Eight hundred Pounds, towards defraying the Expense of the Lying-in-Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding One thousand five hundred Pounds, towards defraying the Expense of Doctor *Stevens'* Hospital, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Three thousand eight hundred Pounds, towards defraying the Expense of the House of Recovery and Fever Hospital, *Cook Street, Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Five hundred Pounds, towards defraying the Expense of the Hospital for Incurables, *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Thirty-seven thousand one hundred and eighty-three Pounds, to defray the Expense of Nonconforming, Seceding, and Protestant Dissenting Ministers in *Ireland*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Seven thousand and ninety-six Pounds, to pay, to the Thirty-first Day of *March* One thousand eight hundred and fifty, Charitable Allowances charged on the Concordatum Fund in *Ireland*, and other Allowances and Bounties.

800*l.* for Female Orphan House, Dublin;

2,250*l.* for Westmoreland Lock Hospital, Dublin;

800*l.* for Lying-in Hospital, Dublin;

1,500*l.* for Dr. Stevens' Hospital, Dublin;

3,800*l.* for House of Recovery, &c., Dublin;

500*l.* for Hospital for Incurables, Dublin;

37,183*l.* for Protestant Dissenting Ministers, Ireland,

7,096*l.* for Charitable Allowances, Ireland.

XXV. And it is hereby also enacted, That out of all or any the Aids or Supplies aforesaid there shall and may be issued and applied any Sum or Sums of Money not exceeding Fourteen thousand six hundred and fifty-two Pounds, to defray the Expense of the General Board of Health, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Two thousand four hundred and forty-seven Pounds, to pay the Salaries and incidental Expenses of the Central Board of Health in *Dublin*, to the Thirty-first Day of *March* One thousand eight hundred and fifty; and any Sum or Sums of Money not exceeding Eighteen thousand Pounds, to defray, to the Thirty-first Day of *March* One thousand eight hundred and fifty, One Moiety of the Cost of certain Works of Navigation connected with Drainage in *Ireland*; and

There shall be issued 14,652*l.* General Board of Health;

2,447*l.* for Central Board of Health in Dublin;

18,000*l.* for Drainage, Ireland;

8384. for British Ambassador's House at Paris;

12,000*l.* for British Ambassador's House at Constantinople;

16,000*l.* for Militia, Canada,

7,300*l.* for Lighthouses abroad, and Establishment at Sable Island for shipwrecked Persons;

3,000*l.* for repairing Harbour at Lybster on East Coast of Scotland.

and any Sum or Sums of Money not exceeding Eight hundred and thirty-eight Pounds, to defray, in the Year One thousand eight hundred and forty-nine—fifty, the Charge of Works and Repairs to the *British* Ambassador's House at *Paris;* and any Sum or Sums of Money not exceeding Twelve thousand Pounds, towards defraying, in the Year One thousand eight hundred and forty-nine, the Expense of rebuilding the *British* Ambassador's House at *Constantinople;* and any Sum or Sums of Money not exceeding Sixteen thousand Pounds, to defray, in the Year One thousand eight hundred and forty-nine—fifty, the Expense of Militia and Volunteers in *Canada;* and any Sum or Sums of Money not exceeding Seven thousand three hundred Pounds, to defray the Cost of erecting and maintaining certain Lighthouses abroad, also of the Establishment at *Sable Island* for the Relief of shipwrecked Persons; and any Sum or Sums of Money not exceeding Three thousand Pounds, towards defraying, in the Year One thousand eight hundred and forty-nine, the Expense of repairing the Harbour at *Lybster* as a Place of Refuge for Fishing Boats on the East Coast of *Scotland.*

Supplies to be applied only for the Purposes aforesaid.

XXVI. And it is hereby also enacted, That the said Aids and Supplies provided as aforesaid shall not be issued or applied to any Use, Intent, or Purpose whatsoever other than the Uses, Intents, and Purposes before mentioned, or for the other Payments directed to be satisfied thereout by any Act or Acts, or any particular Clause or Clauses for that Purpose contained in any other Act or Acts, of this Session of Parliament.

Expenditure for Navy, Army, and Ordnance Services respectively to be confined to the separate Services for which granted.

XXVII. And it is hereby also enacted, That the respective Departments charged with the detailed Application of the Sums granted by this Act for Navy, Army, and Ordnance Services shall confine the Expenditure of their respective Departments within the particular Amounts appropriated to each of the separate Services comprised in the Sum of Seven millions twenty-one thousand seven hundred and twenty-four Pounds for Naval Services, in the Sum of Six millions seven hundred eighty-six thousand eight hundred and eighty-three Pounds for Army Services, and in the Sum of Two millions six hundred thirty-two thousand six hundred and one Pounds for Ordnance Services: Provided always, that if the Exigencies of the Public Service shall render it indispensably necessary to alter the Proportions assigned to any of the separate Services comprised in the aggregate Sum granted by this Act for Naval Services, for Army Services, or for Ordnance Services, the Department in which such Necessity shall have arisen shall represent the Circumstances which may have led to it in Writing to the Commissioners of Her Majesty's Treasury, and it shall be lawful for such Department, on Her Majesty's Pleasure to that Effect being

Treasury may, on Application, alter the proportionate Amounts for such separate Services, provided the total Grant to each Department be not exceeded.

being signified by the Commissioners of Her Majesty's Treasury, or any Two or more of them, for the Time being, to apply in aid of the deficient Grant a further limited Sum out of any Surplus or Surpluses under other Heads of Service in the same Department: Provided always, that the aggregate Sum of Seven millions twenty-one thousand seven hundred and twenty-four Pounds granted by this Act for Naval Services, of Six millions seven hundred eighty-six thousand eight hundred and eighty-three Pounds for Army Services, or of Two millions six hundred thirty-two thousand six hundred and one Pounds for Ordnance Services, shall not be exceeded.

Rules to be observed in the Application of the Sum appropriated to Half Pay.

XXVIII. And as to the Sum of Four hundred thousand Pounds by this Act appropriated on account of Half Pay as aforesaid, it is hereby enacted and declared, That the Rules hereafter prescribed shall be duly observed in the Application of the said Half Pay; (that is to say,) that no Person shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrants directing the Issue of the Half Pay to be received; that no Person shall have or receive any Part of the same who was under the Age of Sixteen Years at the Time when the Regiment, Troop, or Company in which he served was reduced; that no Person shall have or receive any Part of the same who did not do actual Service in some Regiment, Battalion, Troop, or Company in Her Majesty's Service, except in Cases in which the Commission was received under Circumstances which did not, according to the Regulations of the Army, require the Officer to serve; that no Person shall have or receive any Part of the same who has resigned his Commission, and has had no Commission since; that no Part of the same shall be allowed to any Person by virtue of any Warrant or Appointment, except to such Person as would have been otherwise entitled thereto as a reduced Officer; that no Person shall have or receive any Part of the same for any Time during which he shall hold any other Military Place or Employment of Profit under Her Majesty, or in Her Majesty's Colonies or Possessions beyond the Seas, except on the Staff or in Garrison, and that in such excepted Cases, or in Cases of his holding any Military Place or Employment of Profit under another Government, no Officer shall receive any Part of his Half Pay unless with Her Majesty's Approbation, to be signified by the Secretary at War to the Paymaster General, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the other Military Place or Employment of Profit on the Staff or in Garrison which he may hold or have held under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government; that no Person who shall, on or before the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, have held

held any Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, except in Cases in which the same shall not exceed Three Times the Amount of the highest Rate of Half Pay attached to the Rank in virtue of which he claims to receive Half Pay, or as herein-after mentioned, nor in any such excepted Cases unless Her Majesty's special Approbation be signified as aforesaid, and the Officer claiming the Half Pay in pursuance of such Approbation shall signify in his Declaration the Civil Place or Employment of Profit which he may hold or have held as aforesaid; but if the net annual Emoluments of such Civil Place or Employment shall exceed Three Times the Amount of Half Pay as aforesaid, and shall fall short of Four Times that Amount, then it shall be lawful for the Paymaster General, with Her Majesty's Approbation, signified by the Secretary at War as aforesaid, to issue, on or before the Twenty-fourth Day of *December* One thousand eight hundred and forty-nine, so much of the Half Pay claimed by any such Officer as shall, together with the net annual Emoluments of the Civil Place or Employment, be equal to Four Times the Amount of such Half Pay, and the Officer claiming the Half Pay in pursuance of such Approbation shall specify in his Declaration the Civil Place or Employment of Profit which he may have held as aforesaid, and the actual Amount of the Emoluments thereof, in such Manner and Form, and calculated up to such Period or Periods, as shall be required by the Secretary at War; but no Person who after the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight has been appointed to any Civil Place or Employment of Profit (except in Her Majesty's Household) under Her Majesty, or in the Colonies or Possessions of Her Majesty beyond the Seas, or under any other Government, shall have or receive any Part of the same for any Time during which he shall hold any such Civil Place or Employment of Profit (except as aforesaid) under Her Majesty beyond the Seas, or under any other Government, other than that of a Barrack Master under the Master General and the Board of Ordnance, who shall, under the Restrictions before mentioned, be entitled to receive his Half Pay: Provided always, that nothing in this Act contained shall prevent any Person from receiving his Half Pay who shall be entitled to the same under any Act or Acts relating to the General or Local Militia or the Yeomanry or Volunteers, but that every such Person shall receive the same according to the Provisions of any such Act or Acts; and also every Surgeon, Serjeant Major, Serjeant, Corporal, and Private serving in the General or Local Militia, or in any

Not to prevent the receiving of Half Pay under any Act relating to the General or Local Militia, &c.

any Corps of Yeomanry or Volunteers in *Great Britain* or *Ireland*, may and shall receive any Half Pay, together with any Pay in the General or Local Militia, or Yeomanry or Volunteers, upon making and subscribing a Declaration in any Case in which an Oath or Declaration shall be required in and by any Act or Acts, or specified in any Warrant of Her Majesty, as the Case may be, and stating in such Declaration the Commission or Employment which he held in the General or Local Militia, the Yeomanry, or Volunteers: Provided always, that from and after the First Day of *January* One thousand eight hundred and fifty it shall be lawful for the Paymaster General to issue the Half Pay or any Portion thereof to any Officers appointed to Civil Place or Employment of Profit under Her Majesty, or under any other Government, since the Twenty-eighth Day of *July* One thousand eight hundred and twenty-eight, if Her Majesty's Pleasure to that Effect be signified by the Commissioners of Her Majesty's Treasury, or any Two or more of them, through the Secretary at War, but such Permission to be granted under the Restrictions before mentioned: Provided always, that an Account shall be laid before Parliament in every Year, on or before the First Day of *April* if Parliament shall be then sitting, or, if Parliament shall not then be sitting, on the First Day of the sitting of Parliament after the First Day of *April*, of the Number of Officers who are allowed to receive their Half Pay with Civil Employments, specifying the Names of such Officers, with the respective Amounts of their Half Pay and the Emoluments of their respective Civil Employments, and distinguishing in every such Account the Officers to whom such Half Pay shall have been allowed subsequent to preceding Accounts.

Paymaster General, by Permission of the Treasury, may issue Half Pay to Officers appointed to Civil Offices since July 1828.

An Account of the Number of Officers so receiving Half Pay to be laid before Parliament annually.

XXIX Provided always, and be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, or any Two or more of them for the Time being, to authorize the receiving Half Pay by Military Officers with Civil Employments in any Cases in which the said Commissioners shall be of opinion that the Employment of such Military Officers in the Colonies or elsewhere, in Civil Situations of Responsibility, with small Emoluments, will be conducive to Economy, and thereby beneficial to the Public Service; and in every such Case the Officer authorized to receive Half Pay with the Salary or Emolument of any Civil Employment shall signify the same in his Declaration, specifying the Office, and the Authority under which he is so allowed to receive his Half Pay.

Treasury may authorize Military Officers in Civil Employments to receive Half Pay in certain Cases.

XXX. And whereas a considerable Part of the Money appropriated on account of Half Pay by an Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty, intituled *An Act to apply a Sum out of the Consolidated Fund, and certain other Sums, to the Service of the Year One thousand eight hundred and*

Persons concerned in issuing, paying, and receiving Money for Payment of Half Pay, without the requisite

Oaths, indemnified. 11 & 12 Vict. c. 126.

*and forty-eight, and to appropriate the Supplies granted in this Session of Parliament*, has been issued without requiring, by Persons issuing or paying, and without the taking by the Persons receiving Half Pay, the Oaths or Declarations prescribed to be taken by Officers claiming Half Pay; and Part of the said Monies has been paid to Officers claiming or entitled to Half Pay who at the same Time held and may still hold the Situation of and serve respectively as Surgeons, Serjeant Majors, Serjeants, Corporals, or Privates in the General or Local Militia, or Yeomanry or Volunteer Corps, in *Great Britain* or *Ireland*, and it is expedient that all such Persons should be indemnified: Be it therefore enacted, That all Persons concerned in the advising, authorizing, or directing the issuing, or in the issuing of any Half Pay, or any Monies for Half Pay, or in the Application of any Money appropriated by the said Act for that Purpose, or in receiving or being concerned in the receiving any Portion of the Money so appropriated for such Half Pay, without requiring or taking the said Oaths or Declarations, or to or on account of any such Officers or Persons as aforesaid, shall be and are hereby fully exonerated and discharged from all Penalties, Forfeitures, Prosecutions, or Proceedings in respect of anything done in relation thereto, in all Cases in which such Half Pay, or Payment for or in respect of such Half Pay, shall have been or may hereafter be issued or received in conformity with the Provisions of the said recited Act or this Act, and the Usages heretofore established or observed in relation to the issuing, paying, and receiving of Half Pay in all other respects, except so far as relates to the demanding, requiring, or taking the said Oaths or Declarations; and all such Payments and Issues of Half Pay which shall have been or may be issued to any such Person as aforesaid shall be deemed valid and effectual Payments, and the Paymaster General, and all other Persons concerned in the issuing and paying the same, shall be and are hereby fully indemnified, and shall be and are hereby fully discharged and exonerated in respect thereof, in all Accounts relating to such Issues and Payments; anything in any Act or Acts, or any Laws, Rules, or Regulations, relating to the issuing and paying of Half Pay, to the contrary notwithstanding.

Half Pay allowed to Officers of the Manx Fencibles.

XXXI. And whereas the Royal Regiment of *Manx* Fencibles engaged to serve in the said Corps upon a Stipulation contained in the Letter of Service under which they were raised, that they should be allowed to receive any Half Pay to which they might be entitled notwithstanding their holding Subaltern Commissions in the said Corps; but no Provision has been made by Parliament for Payment of such Half Pay, and it is therefore expedient that Provision shall be now made for the Arrears of Half Pay to such Officers as aforesaid: Be it therefore enacted, That Officers who were entitled to Half Pay, and who accepted

or held Subaltern Commissions in the Royal Regiment of *Manx* Fencibles, shall, notwithstanding their having held the Full Pay of such Commissions, be entitled to receive the Arrears of such Half Pay for any Year or Time in which they shall not have been allowed to receive the same, upon making and subscribing a Declaration before any Person hereby authorized to administer a Declaration to Persons for the Purpose of receiving Half Pay, that they had not, in any Year or Time for which such Arrear is claimed any Office or Employment of Profit, Civil or Military, under Her Majesty, besides their Allowance of Half Pay, save and except their Pay as such Subaltern Officers of the Royal Regiment of *Manx* Fencibles; and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Officer to receive his Half Pay.

Half Pay Allowances to Chaplains of Regiments not holding Ecclesiastical Benefices derived from the Crown.

XXXII. And whereas Chaplains of Regiments who have been placed upon Half Pay have not been allowed to receive such Half Pay in some Years, in consequence of being in possession at the Time of certain Ecclesiastical Benefices or Preferments, though the same were not in the Patronage of the Crown: And whereas it has been judged fair and reasonable that they should be allowed to receive such Half Pay, though in possession of Ecclesiastical Preferment, provided the same was private Patronage, and not derived from the Crown; and that they should be entitled to receive the Arrears of Half Pay for such former Years as aforesaid: Be it therefore enacted, That all Chaplains who, after having been placed on Half Pay, shall have been refused or been unable to receive such Half Pay in any Year, in consequence of holding any Ecclesiastical Benefice not derived from or in the Gift of the Crown, shall be entitled to receive the Arrears of such Half Pay for such Year, upon making and subscribing a Declaration, before the proper Officer for administering Declarations to Persons for entitling them to receive Half Pay, that they held no Ecclesiastical Benefice or Preferment in any Year derived from the Crown, nor any Place or Employment of Profit under Her Majesty; and the making and subscribing the said Declaration shall, without making and subscribing any other Declaration, be sufficient to entitle such Chaplain to receive his Half Pay.

Surplus of Sum by 11 & 12 Vict c. 126, appropriated to Half Pay Officers to be disposed of as Her Majesty shall direct.

XXXIII. And whereas by the said recited Act passed in the Eleventh and Twelfth Years of the Reign of Her present Majesty the several Supplies which had been granted to Her Majesty as therein mentioned were appropriated to the several Uses and Purposes therein expressed, amongst which any Sum or Sums of Money not exceeding Four hundred and six thousand Pounds in the whole was appropriated to be paid on account of Half Pay for the Year One thousand eight hundred and forty-eight, subject nevertheless to such Rules to be observed

observed in the Application of the said Half Pay as in and by the aforesaid Act were prescribed in that Behalf: Now it is hereby provided, enacted, and declared, That so much of the said Sum of Four hundred and six thousand Pounds as is or shall be more than sufficient to satisfy the said reduced Officers according to the Rules to be observed in the Application thereof, or any Part of such Overplus, shall and may be disposed of to such Officers who are maimed or have lost their Limbs in the late War, or such others as by reason of their long Service, or otherwise, Her Majesty shall judge to be proper Objects of Charity, or to the Widows or Children of such Officers, according to such Warrant or Warrants, under Her Majesty's Royal Sign Manual, as shall be signed in that Behalf; anything in this Act or the said Act to the contrary notwithstanding.

Widows, &c claiming Pensions to make required Declaration

XXXIV. And as to the Sum of One hundred twenty-eight thousand seven hundred and seventy-eight Pounds by this Act appropriated for defraying the Charge of Pensions to be paid to the Widows of Officers of Her Majesty's Land Forces as aforesaid, and as to the Sum of Ninety-five thousand five hundred Pounds by this Act appropriated for defraying the Charge of Allowances on the Compassionate List, of Allowances as of Her Majesty's Royal Bounty, and of Pensions to Officers for Wounds as aforesaid, it is hereby enacted and declared, That no Widow of an Officer of the Land Forces, and no Person claiming an Allowance on the Compassionate List, or of Allowances as of Her Majesty's Royal Bounty, shall have or receive any Part of the same without making and subscribing a Declaration to such Purport and Effect as shall be required in that Behalf by Her Majesty's Warrant directing the Issue of such Pensions and Allowances so to be received.

Declarations to be made as specified in 5 & 6 W 4 c 62

XXXV. And be it enacted, That every such Declaration shall and may be made and subscribed before any One or more of Her Majesty's Justices of the Peace, Notary Public, or other Officer now by Law authorized to administer or receive such Declaration, or before any of the Persons appointed to examine Vouchers in the Office of the Paymaster General, in the Manner, and under the Pains, Penalties, and Forfeitures, specified in an Act passed in the Fifth and Sixth Years of the Reign of His late Majesty, for the Abolition of unnecessary Oaths.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. XCIX.

### An Act to encourage Endowment of Chapels of Ease, and facilitate Assignment of Pastoral Districts thereto; and to amend an Act of the Eighth Year of Her present Majesty for Marriages in *Ireland*, and for registering such Marriages.

[1st *August* 1849.]

WHEREAS divers Churches, Chapels of Ease, and other Episcopal Chapels have been and hereafter may be built in *Ireland*, for the Support and Maintenance of which, and the Performance of Divine Worship therein according to the Discipline and Doctrine of the United Church of *England* and *Ireland*, no adequate Provision has or shall have been made: And whereas many pious and well-disposed Persons might be found willing to provide an adequate Endowment for the Minister or Curate of such Church or Chapel, and it is expedient to afford greater Facilities than now exist for the Endowment of the same: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for any Person or Persons, Bodies Politic or Corporate, either on

Power to Persons to endow

Churches, &c. with Consent of Bishops and Incumbents of Parishes.

on their own Behalf or in pursuance of any Trust theretofore created by Will or otherwise, but with the Consent in Writing of the Ordinary of the Diocese and of the Incumbent of the Parish in which respectively such Church or Chapel as herein-after mentioned may be situate, and also of the Majority of the Trustees for the Time being (if any) of such Church or Chapel, by a formal Deed of Endowment thereof, executed under their Hands and Seals respectively, and deposited in the Registry of such Diocese, to settle Lands, Tenements, or Hereditaments in Fee Simple, or any Term with Covenant for perpetual Renewal thereof, or for any Terms of Years of which Sixty Years at least shall be then subsisting and unexpired, of the yearly Value of Fifty Pounds, clear of all Outgoings and Incumbrances, or Money in any of the Government Funds or other Public Securities amounting at the least to Twelve hundred and fifty Pounds, as a Provision or Maintenance for a Minister to officiate in any such Church or Chapel, other than the Parochial Church of the Parish, in which the Liturgy and Rites of the United Church of *England* and *Ireland* as by Law established are to be used and observed, and his Successors for ever, and as a perpetual Endowment of such Church or Chapel, together with a Fund to provide for the Repairs of such Church or Chapel, namely, One Sum equal in Amount to Three Pounds in every One hundred Pounds of the original Cost of erecting such Church or Chapel, to be secured as aforesaid, and also a further Sum, to be reserved annually out of the Pew Rents of the said Church or Chapel, after the Rate of Three Pounds for every One hundred Pounds of the Sum to be provided as last aforesaid, and such further annual Sum as may be needed for the Payment of any Rent or necessary Outgoing chargeable upon or payable out of the Premises on which such Church or Chapel may be situate, and which said last-mentioned Sum shall be secured upon such Lands as aforesaid, or by a Sum of Money in such Public Securities as aforesaid not less in Amount than Twenty Years Purchase of such Rent or Outgoing: Provided always, that by the Deed of Endowment of the said Church or Chapel One Third at least of the Sittings thereof shall be appropriated as public and free Sittings for ever: Provided also, that no such Deed of Endowment shall be valid or effectual in Law unless enrolled within Six Months from the Execution thereof in Her Majesty's High Court of Chancery in *Ireland*, together with any Deed of Grant or Demise of the Premises on which the said Church or Chapel has been or shall be erected.

No Deed valid unless enrolled in Chancery within Six Months.

Endowed Church or Chapel to be subject to

II. And be it enacted, That from and after the Enrolment of such Deed of Endowment of any such Church or Chapel of Ease, with such Consents of the Ordinary, Incumbent, and Trustees as aforesaid, the

the Provisions of an Act passed in a Session of Parliament holden in the Sixth and Seventh Years of the Reign of King *William* the Fourth, and intituled *An Act to amend an Act of His late Majesty King* George *the Second, for the Encouragement of building of Chapels of Ease in* Ireland, shall extend and be deemed and taken to apply to the Case of such Church or Chapel so endowed as aforesaid, in the same Manner as if the said Church or Chapel had been erected or appropriated and endowed under the Provisions of the said recited Act.

Provisions of 6 & 7 W. 4. c. 31.

III. And be it enacted, That such Deed of Endowment, when duly executed and enrolled with such Consents as aforesaid, shall (unless thereby otherwise provided) be deemed and taken completely to exonerate and exempt the Incumbent of the said Parish and his Successors for ever thenceforth from all Liability to provide for the Maintenance of the Minister of such Church or Chapel.

Incumbent exempted from Charge in respect of endowed Church or Chapel.

IV. And be it enacted, That where any Church or Chapel in which the said Liturgy and Rites are to be used and observed has been or shall be erected or appropriated and endowed under the Provisions of the last-recited Act, or has been or shall be built or appropriated under the Provisions of any other Statute, or under or by virtue of any Ecclesiastical Authority, or shall be endowed under the Provisions of this Act, and such Church or Chapel, being other than the Parochial Church of any Parish, shall be contiguous to Two or more Parishes, whether in the same Diocese or in Two or more contiguous Dioceses, provided such contiguous Dioceses shall be within the same Province, it shall be lawful for the Archbishop, Bishop, or Ordinary of the Diocese, or of each and every of Two or more contiguous Dioceses respectively, and conjointly with the Consent of the Incumbents of the said Parishes respectively, to assign a particular District to such Church or Chapel, to be formed from contiguous Portions of the said Two or more adjoining Parishes, whether situate in different Dioceses contiguous to each other or in the same Diocese; and such District shall be under the immediate Care of the Minister who shall be duly licensed to serve such Church or Chapel, so far as regards the Visitation of all sick Persons and other pastoral Duties; and it shall be lawful for the said Archbishop, Bishop, Ordinary, or Ordinaries also to determine whether Baptisms, Churchings, or Burials shall be solemnized or performed in any such Church or Chapel, or not; and the said Archbishop, Bishop, Ordinary, or Ordinaries shall cause a Description of the Boundaries of the District assigned by him or them to such Church or Chapel to be registered in the Registry or Registries of the said Diocese or Dioceses, and shall also cause his or their Order and Directions in Writing as to all Offices to be performed in any such Church or Chapel to be registered in the Registry

District formed of adjacent Parishes may be assigned by Bishop.

Registry or Registries of his or their Diocese or Dioceses: Provided always, that the entire of such District, and the Incumbent and Incumbents thereof, shall be exclusively under the Ecclesiastical and Spiritual Jurisdiction of the Diocesan in whose Diocese the Church or Chapel of such District shall be locally situate: Provided also, that nothing herein contained shall subject the Incumbent of any Parish a Portion whereof shall be included in such District to the Jurisdiction of any Diocesan of any other Diocese than that in which his Benefice shall be situate.

Portion of Glebe Lands, with the Assent of Bishop of the Diocese and of the Archbishop of the Province, may be granted as a Site for such Church or Chapel.

V. And be it enacted, That it shall and may be lawful for any Incumbent or other Ecclesiastical Owner for the Time being of any Glebe Lands by him held in right of his Benefice or other Ecclesiastical Title, by and with the Consent of the Patron of the Benefice and the Bishop of the Diocese in which the same may be situate, and with the Approval of the Archbishop of the Province, to be testified under their Hands and Seals respectively, to appropriate and set apart such Portion of the said Glebe Lands as may be convenient and suitable for the Erection of a Church or Chapel thereon to be endowed as aforesaid; and such Appropriation and Endowment, when so made and approved as aforesaid, and the Deed of Endowment thereof executed and enrolled as herein-before provided in the Case of a Church or Chapel endowed under this Act, shall be good and valid to all Intents and Purposes, and as if the said Portion of the said Glebe Lands had been granted by a Person capable of absolutely disposing of the same: Provided always, that in any such Case wherein the Consent of Her Majesty the Queen, Her Heirs or Successors, may be required as aforesaid, the Consent of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, testified under his or their Hand and Seal, shall be of the same Force and Effect as if the Consent of Her said Majesty, Her Heirs and Successors, had been duly signified as by Law required.

Appointment of Chapelwardens.

VI. And be it enacted, That Two fit and proper Persons may be appointed to act as Churchwardens for every Church or Chapel erected, appropriated, or endowed under the Provisions of this or any other Act for the Encouragement of the building of Churches or Chapels in *Ireland* as aforesaid, at the usual Period in every Year for the Appointment of Parish Officers, one of such Churchwardens to be named by the Incumbent or Minister of such Church or Chapel, and the other by the Proprietors or Holders of Pews in such Church or Chapel; and such Churchwardens, when so elected, admitted, and sworn as in other Cases of Churchwardens of Parochial Churches, shall have Authority within the said Church or Chapel, and any District legally assigned thereto or connected therewith, as in the

Case of a Parish and Parochial Church is lawful and usual for the Churchwardens thereof; and such Church or Chapel Wardens shall and may, unless otherwise may be provided by the Deed of Endowment, take care of the Repairs of the said Church or Chapel and the Management of the Funds thereof, and be competent to recover, by all proper Means and Proceedings, the Pew Rents and other Dues belonging to such Church or Chapel, and so that no such Proceeding shall abate by reason of the Death, Removal, or going out of Office of any such Church or Chapel Warden, but may be commenced, prosecuted, and continued in the official Name of the Church or Chapel Wardens of the said Church or Chapel, describing the same by its usual Name or by its local Situation: Provided always, that the Office, Powers, and Duties of such Church or Chapel Wardens, when so elected, admitted, and sworn, shall be continued until Successors shall be chosen, admitted, and sworn to fill the said Office as aforesaid.

Consent of the Crown as Patron may be given by the Lord Lieutenant in certain Cases.

7 & 8 Vict. c. 81.

VII. And whereas by an Act passed in the Eighth Year of the Reign of Her present Majesty, intituled *An Act for Marriages in Ireland, and for registering such Marriages*, it was amongst other things enacted, that with the Consent of the Patron and Incumbent respectively of the Church of the Parish or District in which might be situated any public Chapel with or without a Chapelry thereunto annexed, or any Chapel duly licensed for the Celebration of Divine Service according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, or any Chapel the Minister whereof was licensed to officiate therein according to the Rites and Ceremonies of the United Church of *England* and *Ireland*, the Bishop of the Diocese, if he should think it necessary for the due Accommodation and Convenience of the Inhabitants, might authorize by a Licence under his Hand and Seal the Publication of Banns and Solemnization of Marriages in any such Chapel for Persons residing within a District the Limits whereof should be specified in the Bishop's Licence, and under such Provisions as to the said Bishop might seem fit, and as might be specified in the said Licence: And whereas it is expedient to amend the said Act as to such Cases in *Ireland* in which the Consent of the Crown as Patron shall be required: Be it enacted, That in every Case in which the Consent of the Queen's Majesty, Her Heirs or Successors, is to be given to any such Licence, the Consent in that Behalf of the Lord Lieutenant or other Chief Governor or Governors of *Ireland*, under his or their Hand and Seal or Hands and Seals, shall, to all Intents and Purposes, be as good and valid in Law as if the Consent of Her Majesty, Her Heirs or Successors, had been thereunto signified by Letters Patent under the Great Seal of *Ireland*.



VIII. And

Act may be amended, &c.

VIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. C.

### An Act to promote the Advance of private Money for Drainage of Lands in *Great Britain* and *Ireland*. [1st *August* 1849.]

WHEREAS an Act was passed in the Ninth and Tenth Years of Her present Majesty, intituled *An Act to authorize the Advance of public Money to a limited Amount to promote the Improvement of Land in* Great Britain *and* Ireland *by Works of Drainage*: And whereas an Act was passed in the Tenth Year of Her present Majesty, intituled *An Act to explain and amend the Act authorizing the Advance of Money for the Improvement of Land by Drainage in* Great Britain: And whereas an Act was passed in the last Session of Parliament, intituled *An Act to simplify the Forms of Certificates under the Act authorizing the Advance of Money for the Improvement of Land by Drainage in* Great Britain: And whereas it is desirable that Works of Drainage should continue to be encouraged, in order to promote the increased Productiveness of the Land and Healthiness of the Districts where it is required, and to supply the Demand for Agricultural Labour, especially at that Season of the Year when other Sources are suspended: And whereas the whole Sum mentioned in the first-recited Act, namely, Two Millions Sterling for *Great Britain* and One Million Sterling for *Ireland*, has been already applied for and appropriated, and additional Sums have been granted under subsequent Acts for *Ireland*, and Applications have been made for a further Sum of Half a Million and upwards for *Great Britain*,

9 & 10 Vict. c. 101.

10 & 11 Vict. c. 11.

11 & 12 Vict. c. 119.

*Britain*, and for further Sums for *Ireland*, and it is expedient that the same should be advanced by private Individuals, and that Owners of Land should be enabled or authorized (with the Sanction of the Inclosure Commissioners for *England* and *Wales*) to borrow or advance Money to be expended with the like Sanction in draining such Lands: Be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Inclosure Commissioners for *England* and *Wales* shall be the Commissioners for the Execution of this Act in *Great Britain*, and it shall be lawful for the said Inclosure Commissioners to employ in the Execution of this Act the Assistant Commissioners, Secretary, Surveyors, Clerks, Messengers, and Officers who have been or may be appointed by the said Commissioners under an Act passed in the Eighth and Ninth Years of Her present Majesty, intituled *An Act to facilitate the Inclosure and Improvement of Commons and Lands held in common, the Exchange of Lands, and the Division of intermixed Lands, to provide Remedies for defective or incomplete Executions, and for the Non-execution of the Powers of general and local Inclosure Acts, and to provide for the Revival of such Powers in certain Cases*, and the said first-recited Act, respectively; and the said Inclosure Commissioners may, with such Consent as provided by the said Act of the Session of Parliament holden in the Eighth and Ninth Years of Her present Majesty in respect of Appointments under such Act, from Time to Time appoint a sufficient Number of Persons to be Assistant Commissioners and Surveyors respectively for the Purposes of this Act, and may from Time to Time remove any such Assistant Commissioners and Surveyors; and the Allowances and travelling and other Expenses of such Assistant Commissioners and Surveyors shall be regulated as to the Amount thereof in like Manner as provided by the said last-mentioned Act in respect of Allowances and Expenses to Assistant Commissioners under the same Act, and such Allowances shall not exceed the Allowances payable to the last-mentioned Assistant Commissioners; and the Commissioners for the Execution of this Act in *Ireland* shall be the Commissioners of Public Works in *Ireland* under an Act of the First and Second Years of His late Majesty King *William* the Fourth, intituled *An Act for the Extension and Promotion of Public Works in* Ireland, and of an Act of the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to promote Drainage of Lands and Improvement of Navigation and Water Power in connexion with Drainage in* Ireland, and of the several Acts amending the same respectively, and such Commissioners shall have full Power and Authority, with the Approbation of the Commissioners of Her Majesty's Treasury, to employ such Civil Engineers, Surveyors, Clerks, and other Officers appointed under the said last-mentioned Acts respectively as may be necessary for carrying this Act into execution.

Inclosure Commissioners to be the Commissioners for the Execution of this Act.

8 & 9 Vict. c. 118.

Allowances and Expenses to be regulated as provided by 8 & 9 Vict. c. 118.

Commissioners of Public Works to be Commissioners, and have Power to employ their Officers for the Execution of this Act, in Ireland.

II. And

II. And be it enacted, That it shall be lawful for the Owner of any Land in *Great Britain* or *Ireland*, who shall be desirous of borrowing or advancing Money for the Improvement of such Lands by Works of Drainage under the Provisions of this Act, to borrow or advance Money for such Purpose, and to have the Money expended in such Improvement, and in defraying the Expenses incident thereto, charged on the Inheritance of such Land, in manner and with the Priority herein mentioned.

Owner of Land may borrow or advance Money.

III. And be it enacted, That when any Owner of Land shall be desirous of borrowing or advancing Money under this Act he shall make an Application to the Commissioners to authorize such Loan, and such Application shall be made in such Manner and Form and contain such Particulars as the Commissioners shall from Time to Time direct; and until a Certificate of the Allowance thereof shall have been issued by the Commissioners such Application may be withdrawn or altered, or consolidated with any other Application, at the Pleasure of the Applicant, but without Prejudice to his Liability as herein-after mentioned for the Expenses incurred in consequence thereof by the Commissioners or their Officers.

Application to be made to Commissioners.

IV. And be it enacted, That it shall be lawful for the Commissioners on such Application to cause the Land specified in such Application to be inspected, and the Application to be reported upon, by an Assistant Commissioner, Surveyor, or Engineer, or otherwise; and the Commissioners shall upon such Report determine and certify under their Seal whether any and what Amount of Money shall be authorized to be borrowed or advanced under this Act in respect of the Land specified in such Application, and they shall by the same or by some subsequent Certificate fix the Rate of Interest, not exceeding Five *per Cent. per Annum*, to be paid in respect of any Money to be so borrowed or advanced; and such Report as aforesaid shall contain such Particulars of the Land proposed to be drained, and of the Manner of effecting the Drainage thereof, and of the estimated Expense of such Drainage, and of the Improvement to be thereby effected in the annual Value of the Land, as in the Opinion of the Party making such Report will be sufficient to enable the Commissioners to judge of the Expediency of allowing the Application; and the Commissioners shall after the Issue of their Certificate of Allowance be at liberty from Time to Time to authorize an Abandonment of any Part of the proposed Works of Drainage, or any Variation therein which they may think expedient, on such Terms and Conditions as they shall think reasonable.

Inspection of Land to be made by Officers of Commissioners.

V. And be it enacted, That the Provisions of the said first-recited Act relating to Notice by Advertisement of Application for Advances for Drainage Purposes, and to the Proceedings to be had in consequence of any Dissent to such Application, or relating to the Consent

Certain Provisions in first-recited Act as to Notices of Applications incorporated.

Consent of the Bishop of the Diocese and Patron of the Benefice to any such Application in relation to Land held in right of any Church, Chapel, or other Ecclesiastical Benefice, shall (save so far as the same are inconsistent with or repugnant or inapplicable to the Provisions of this Act) be deemed to be incorporated herein.

Recovery of Expenses where Application refused or no Money can be raised.

VI. And be it enacted, That in the Case of an Application for Authority to borrow Money where the Commissioners shall determine that no Money shall be borrowed in pursuance of such Application, or where the Money authorized to be borrowed, or a competent Part thereof (as to which the Decision of the Commissioners shall be conclusive), shall not be raised, and paid into the Bank as herein-after mentioned, within Six Months from the Allowance of such Application, and in the Case of an Application for Authority to advance Money by the Owner of Land himself, whether the Commissioners shall determine that any Money shall or shall not be advanced in pursuance of such Application, the Expenses which the Commissioners or their Officers shall have incurred by or in consequence of such Application (the Amount whereof shall be conclusively certified by the Commissioners) shall be a Debt due by the Party making such Application to the Commissioners, and shall be recoverable by them as in the Nature of a Crown Debt.

When Application allowed, Money to be paid into the Bank.

VII. And be it enacted, That in Cases where any Sum of Money shall be authorized by the Commissioners to be raised in pursuance of any such Application, the Party or Parties willing to advance the same or any Part thereof, other than the Owner of Land making the Application, shall pay the same into the Bank of *England* or into some Bank in *Scotland* established by Act of Parliament or Royal Charter, or in *Ireland* into the Bank of *Ireland*, as the Case may be, or into some convenient Branch Bank thereof respectively, to be specified by the Commissioners in their Certificate of Allowance of the Application; and such Payment or Payments shall be to the Credit of the Commissioners to an Account the Title whereof shall be named in said last-mentioned Certificate, and such Monies shall, until duly applied under this Act, be the Property of the Commissioners; but nevertheless the Commissioners, observing the Rules and Regulations of this Act, shall not, either collectively or individually, be answerable for any Monies which shall have been paid into the said Banks or any of them, or any Branch thereof.

As to Payment of Contribution to Loan, and Banker's Certificates for the same.

VIII. And be it enacted, That in any Case where more than One Party shall be willing to contribute toward such Advance, the Applicant, if willing to contribute thereto, shall have the Preference as a Lender, or shall be entitled to name the Party or Parties who shall have such Preference; and the Commissioners shall be entitled to name the minimum Amount to be paid into the Bank as One Contribution towards such Advance; and upon each Contribution being paid into the Bank a Banker's Certificate for the same, in a Form to be from Time to

to Time approved of by the Commissioners, shall be delivered to the Parties paying in the same, and thenceforth such Parties shall not be concerned to see to the Application or suffer for the Misapplication of the Amount for which such Banker's Certificate shall have been taken.

IX. And be it enacted, That unless such Contribution shall have been paid into the Bank in contravention of the aforesaid Provisions as to Priority of Right to contribute (in which Case the Amount thereof shall be repaid), the Bankers Certificates for the same shall be transmitted to the Office of the Commissioners, who shall in exchange for the same issue a Grant, in such Form as they shall deem fit, in their Name and under their Seal to the Party or Parties named in each such Certificate (if more than One, as Joint Tenants), his or their Executors, Administrators, or Assigns, of a Rent-charge to be issuable out of the Land in respect whereof such Advance shall have been authorized, or out of such Part thereof to be specified in such Grant as the Commissioners shall think proper and sufficient, such Rent-charge to be Personal Estate, and to commence on the Day of the Date of such Banker's Certificate, and to be payable by half-yearly Payments for and during the Term of Twenty-two Years.

Bankers Certificates for Contributions to be exchanged for Grants by Commissioners of Rent-charges for Twenty-two Years each.

X. And be it enacted, That in Cases where the Owner of Land himself shall advance the Money or Part of the Money for the Purposes of this Act, the Commissioners, on being satisfied by a Report of an Assistant Commissioner, Surveyor, or otherwise that the Money advanced by such Owner has been duly expended upon the Drainage Works sanctioned by the Commissioners to be executed, or upon any Part thereof which will, independently of the Part remaining unexecuted, be complete in itself, and upon the Expenses thereof, including the Expenses of the Commissioners and their Officers of and incident to the Application for an Advance, and that the Works will be durable and effectual, and produce an Improvement in the yearly Value of the Land exceeding the Amount of the yearly Charge which can be made under this Act in respect of such Grant, shall issue a Grant, in such Form as they shall deem fit, in their Name and under their Seal, to such Owner of Land, or to some other Person or Persons to be nominated by him or by his Executors or Administrators, of a Rent-charge to be issuable out of the Lands in respect whereof such Advance shall have been made, or out of such Part thereof to be specified in such Grant as the Commissioners shall think proper and sufficient, such Rent-charge to be Personal Estate, and to commence on the Day on which such Money shall be reported to have been duly expended as aforesaid, and to be payable by half-yearly Payments for and during the Term of Twenty-two Years, and in all other respects to be on the same Footing as a Grant of a Rent-charge to any Third Person.

Commissioners to issue a Grant of Rent-charge to Owner of Lands.

XI. And be it enacted, That in any Case where the Amount to be raised shall be contributed in several Sums, and several Bankers Certificates

Rent-charges may be charged on

several Portions of the Land included in Application for Loan.

Certificates shall have been taken for the same, it shall be lawful for the Commissioners to apportion the Land in respect whereof such Loan shall have been authorized, or so much thereof as the Commissioners shall think a sufficient Security for the Rent-charges to be granted, in such Manner as that One or more of the Rent-charges to be granted for such Bankers Certificates may issue exclusively out of any definite Portion or Portions of such Land in absolute Exoneration of the Remainder thereof.

Apportionment of Rent-charges.

XII. And be it enacted, That if it shall be represented to the Commissioners that the Land charged with any Rent-charge under this Act is occupied in separate Farms, or shall have become the Property of separate Owners, or that the Owner thereof is entitled thereto under separate Titles or for distinct and separate Interests, or is desirous to sell or dispose of a Part or Parts of such Land, or that for any other Reason it will be desirable that such Rent-charge shall be apportioned, it shall be lawful for the Commissioners, with the Consent of the Owner or Owners of the Land charged with such Rent-charge, by Order under the Seal of the Commissioners to apportion such Rent-charge so that a separate and distinct Rent-charge may become charged on such separate Farm, or on the Land of each Owner, or on the Land held under each separate Title or for each distinct and separate Interest, or on the Part or each Part which the Owner is desirous to sell or dispose of and the Part intended to be retained by him, or on other separate Parts of the said Lands, but so that no Rent-charge under such Apportionment shall be less than Twenty Shillings; provided that the Commissioners shall and they are hereby directed, before making any such Order of Apportionment, to see that due Notice of the intended Apportionment shall have been given to the Parties entitled to give a Receipt for the said Rent-charge, or some or one of them, in order that they or he may, if necessary, dispute such Apportionment.

Indefeasible Title and Priority of Rent-charges.

XIII. And be it enacted, That, subject to the Provisions herein-after contained as to the Registry of Grants of Rent-charges on Lands in *Scotland*, *Middlesex*, or *Yorkshire*, or in *Ireland*, every such Rent-charge shall, without reference to the Title of the Parties making such Application (as to which the Allowance of such Application by the said Commissioners shall be conclusive), be a valid and indefeasible Charge upon the Land comprised in the Grant thereof by the said Commissioners, subject only to Tithe Rent-charges, Land Tax, local Rates and Taxes, Quit or Chief Rents incidental to Tenure, and Charges created or to be created under any Act authorizing Advances of public Money for Drainage or the Improvement of Lands, and prior to all other Charges whatsoever.

Registry of Grants of Rent-charges on Lands in Middlesex, Yorkshire,

XIV. And be it enacted, That as to Lands in *Middlesex* or *Yorkshire*, or in *Ireland*, all Grants of Rent-charges thereon to be made in pursuance of this Act shall be registered in the same Manner respectively as if such Grants were made by Deed by the absolute

Owner of such Lands without the Aid of this Act, and shall be liable to be postponed in point of Priority to subsequent Deeds and Conveyances, in the same Manner and to the same Extent respectively as if such Grants were made by such absolute Owner, and without reference to this Act; and all Grants of Rent-charges on Lands in *Scotland* shall be registered in the General or Particular Register of Sasines.

Ireland, and Scotland.

XV. And be it enacted, That as to Lands in *England* or *Wales* such Rent-charges shall be recoverable in the same Manner as a Rent-charge in lieu of Tithes under the Act of the Seventh Year of King *William* the Fourth, intituled *An Act for the Commutation of Tithes in* England *and* Wales, is recoverable, but so nevertheless that as against Persons who at the Time of the taking of the Certificate for the Contribution in respect of which such Rent-charges shall have been granted, or, in the Case of an Advance by an Owner of Land at the Time of the Grant of his Rent-charge, shall have been any such Tenant for Life or Lives or Years, as is excepted from the Definition of the Term Owner of Lands in the said Act of the Seventh of *William* the Fourth, and shall not have concurred in such Application for a Loan or Advance as aforesaid, the Party entitled to such Rent-charge shall not during the Subsistence of such Tenancy or Term be entitled to any further or other Remedy for the Recovery thereof than if he were entitled to the immediate legal Reversion expectant on the Determination of such Tenancy or Term; and any Rent-charge which shall become charged on Land in *Ireland* by virtue of this Act shall be recoverable by the same Means and in the same Manner, and with the like Remedies for the Recovery thereof, in all respects as a Rent-charge in lieu of Tithe charged on the same Lands is now recoverable under and by virtue of an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in* Ireland, *and to substitute Rent-charges in lieu thereof,* and the several Acts passed for amending the same.

As to the Recovery of Rent-charges in England and Ireland.

6 & 7 W. 4. c. 71.

1 & 2 Vict. c. 109.

XVI. And be it enacted, That as to Lands in *Scotland* every Rent-charge which shall become charged on Land by virtue of this Act shall be recoverable by the same Means and in the like Manner in all respects as any Feu Duty, or Rent or annual Rent, or other Payment payable out of the same Lands, would be recoverable, but shall be subsequent in Order of Charge to any Feu Duty.

As to Recovery of Rent-charges in Scotland.

XVII. And be it enacted, That if any Tenant or Occupier at a Rent join in the Application for an Improvement, or by Writing under his Hand signify to the Commissioners, or to any Assistant Commissioner, Surveyor, or Engineer, his Consent to become charged with the Charge or an apportioned Part thereof, such Tenant or Occupier shall during his Tenancy or Occupation be liable to pay the

Tenant may deduct Rent charge, except where he has agreed to pay same.

the Charge, or an apportioned Part thereof, as herein-after mentioned; and in case the Application be made for a Charge in respect of the Improvement as well of other Land as of the Land included in such Tenancy or Occupation, the Commissioners may, upon such Concurrence or Consent of such Tenant or Occupier, by any Certificate to be made in pursuance of this Act, or by a separate Order of Apportionment, declare what Portion of the whole Rent-charges or Rent-charge payable in respect of the Improvement shall be payable by such Tenant or Occupier, during his Tenancy or Occupation, in respect of the probable Improvement of the Land included in his Tenancy or Occupation; but, except as aforesaid, every Tenant or Occupier who pays such Charge shall be entitled to deduct the Amount thereof from the Rent payable by him to the Reversioner, and shall be allowed the same in account with him.

Arrears of Rent-charge not to be recoverable after Three Years.

XVIII. And be it enacted, That no Arrears of any Rent-charge created under this Act shall be recoverable after the Expiration of Three Years from the Time when the same became payable, and no Interest shall be recoverable in respect of any Arrears of any such Rent-charge.

Advances under this Act not to be deemed a Contravention of Conditions of Entail of Lands in Scotland.

XIX. And be it enacted, That no Proprietor of an entailed Estate in *Scotland* shall be held to have contravened the Conditions of the Entail by reason of having availed himself of the Provisions of this Act, and no Rent-charge imposed or created on any entailed Lands in *Scotland* under the Authority of this Act shall be made use of as a Ground for adjudging, selling, or evicting such Lands or any Part thereof, contrary to the Provisions and Conditions of the Entail, but every such Rent-charge shall be a good and effectual Charge upon and against such entailed Lands to every other Effects, and upon and against the Rents and Profits thereof.

Rent-charge not to preclude Trustees from investing Money in the Purchase or Mortgage of Land charged.

XX. And be it enacted, That the Rent-charge by virtue of this Act to be charged on any Land shall not be deemed such an Incumbrance as shall preclude a Trustee of Money held in trust, and with a Power for the Investment thereof in the Purchase of Land or on Mortgage, from investing the same in a Purchase of or upon a Mortgage of such Land so charged, unless the Terms of such Trust or Power shall expressly provide that the Land to be so purchased or taken in Mortgage shall not be subject to any Rent-charge under the Provisions of this Act.

Rent-charges to be kept down by Tenants for Life, &c.

XXI. And be it enacted, That as between the several Parties interested in any Land charged with a Rent-charge under this Act such Parties shall respectively be bound to keep down and discharge the Payments thereof as if the same were Interest payable upon a Mortgage in Fee on such Lands.

XXII. And

XXII. And be it enacted, That the Expenses in the secondly above-recited Act particularly mentioned as to be included among the Expenses of Works of Drainage shall, as well as to Lands in *Ireland* as to Lands in *Great Britain*, be deemed to be and may be included among the Expenses of Works of Drainage in respect of a Loan or Advance made under the Provisions of this Act.

Certain Expenses to be included in Drainage Works.

XXIII. And be it enacted, That the Commissioners shall as they see Occasion cause the said Works to be inspected by a Commissioner, Assistant Commissioner, Surveyor, or Engineer, or other Officer, to ascertain the due Execution of such Works, and such Commissioner, Assistant Commissioner, Surveyor, or Engineer respectively may require the Production of such Vouchers, Bills of Account, or other Documents as may enable him to ascertain such due Execution, and the Amount of the Expense which shall have been actually incurred in the Execution of such Works.

As to Inspection of Works by Officers of Commissioners.

XXIV. And be it enacted, That, with the Exception of Cases where the Owner of Land shall himself advance Money, and the Expenses shall be paid thereout, for which Provision is herein-before made, all Monies which shall be payable on account of the Works to be executed under this Act, and all Expenses to be incurred by the said Commissioners or their Officers of or incident to the Application in pursuance whereof such Monies shall have been authorized to be raised, or any Proceedings taken or Works done in consequence thereof, shall be paid by means of Cheques, to be from Time to Time drawn by the said Commissioners on the Bank wherein the Monies advanced on account of such Works shall have been deposited, and be paid out of such Monies: Provided always, that no such Payment shall be made unless the said Commissioners shall be satisfied that such Works, or any Part thereof which will, independently of the Part remaining unexecuted, be complete in itself, will be durable and effectual, and produce an Improvement in the yearly Value of the Land exceeding the Amount of the yearly Charge which will be made under this Act in respect of such Payment.

Payment of Cost of Drainage Works and Expenses of Commissioners and their Officers.

XXV. And be it enacted, That where it shall appear to the Commissioners that, by reason of the Circumstances of the Land, or the Neglect of the Owner, or otherwise, any proposed Works in respect of which Money shall have been paid into any such Bank as aforesaid and a Rent-charge shall have been granted under this Act, cannot be executed, or that for any other Cause all or Part of such Money will not be applied under the Provisions herein-before contained, such Money, or such Part thereof as last aforesaid, shall be applied, by or under the Direction of the Commissioners, to indemnify against the Rent-charge granted in respect of such Money the Persons liable to pay the same, but so that no Part of such Money be paid to the Owner upon whose Application such Money shall have been advanced, or his Representatives, until all other

Application of Money paid into the Bank where the Works are not executed, or there is a Surplus not applicable to Works.

other Persons liable to pay such Rent-charge shall have been indemnified against the same or released therefrom; and for the Purposes of this Provision the Commissioners may invest all or any Part of the Money applicable to Indemnity as aforesaid in the Public Funds, and may invest and accumulate the Dividends arising from such Investment, and may out of such Monies, or the Investments thereof, purchase any Government Annuity or Annuities for any Term of Years, and may apply and dispose of such Money, and such Investments, Dividends, and Accumulations, in repurchasing all or any Part of the Rent-charge, or otherwise apply the same to such Indemnity as aforesaid as the Circumstances may require: Provided always, that where Part only of the Money paid into any such Bank as aforesaid has become applicable under the Provisions hereinbefore contained, but the Works in respect of which such Money was so paid have been fully executed, or, Part only of such Works having been executed, the Commissioners are satisfied that such Part thereof will independently of the Part remaining unexecuted, produce an Improvement in the yearly Value of the Land exceeding the whole Amount of the Rent-charge, and that it will not be expedient to execute the Remainder of such Works, the Part unapplied of such Money shall be applied rateably to indemnify as well the Owner upon whose Application such Money shall have been advanced as all the other Persons liable to pay the Rent-charge.

As to upholding Drains and Outfalls.

XXVI. And be it enacted, That the Provisions of the said first-recited Act as to upholding Drains, and keeping clean and open the Outfalls of Drains, shall be deemed to be incorporated in this Act, and shall apply to the Drains and Outfalls to be made under the Provisions herein contained.

Register of Certificates, Grants, &c. to be kept by Commissioners.

XXVII. And be it enacted, That it shall be lawful for the Commissioners and they are hereby required to keep a Register of all Certificates of Allowances of Applications or other Certificates which they shall issue under this Act, and of all Grants of and Orders for Apportionment of Rent-charges; and the said Register may be perused at all reasonable Times by any Person interested in the Land charged by any such Grant, or to which any such Certificate or Order of Apportionment shall relate.

Notices may be given by the Secretary.

XXVIII. And be it enacted, That all Notices by the said recited Acts or this Act directed or authorized to be given by the Commissioners may be given by the Secretary of the Commissioners, or any Person authorized in that Behalf by the Commissioners.

Description of Land in any Certificate, Grant, or Order may be by Reference.

XXIX. And be it enacted, That where a Description of Land by Reference to any former or other Document, whether issued in pursuance of this Act or not, shall be considered by the Commissioners to be otherwise sufficient for the Purposes of any Certificate, Grant, or Order to be issued under this Act, it shall not be necessary for the Purposes

Purposes of Registration or for any other Purpose that the Land to be affected by any such Certificate, Grant, or Order shall be specified or described therein otherwise than by Reference to some such former or other Document as aforesaid.

Rent-charge under 9 & 10 Vict. c. 101. may be redeemed by Owner as Personal Estate.

XXX. And for the Amendment of the said first-recited Act, be it enacted, That in every Case in which any Owner of Land charged with a Rent-charge under the Provisions thereof shall redeem such Rent-charge in manner therein provided, it shall be lawful for the Commissioners, by the Certificate of such Redemption, to declare that the annual Rent-charge shall continue a Charge upon such Land for the Remainder of the Term for which the same was created, and shall be payable to the said Owner of such Land, his Executors, Administrators, or Assigns, and the same shall thereupon so continue to be a Charge, and be transmissible as Personal Estate.

Certificate of Advance under recited Acts may comprise only such Part of Lands in Provisional Certificate as Commissioners think sufficient.

XXXI. And whereas Doubt having been entertained under the said recited Acts whether all the Lands specified or comprised in the Provisional Certificate issued under the said Acts must not be comprised in the Certificate of Advance, or in each and every or some or One of the Certificates of Advance, where more than One is issued under the same Acts in respect of the Works referred to in the same Provisional Certificate: Now be it enacted and declared, That it shall be necessary to include in the Certificate or respective Certificates for Advance to be issued under the said Acts in respect of the Works referred to in any Provisional Certificate, such Part or Parts only of the Lands specified or comprised in such Provisional Certificate as the said Commissioners shall consider proper and sufficient to be comprised in such Certificates of Advance or respective Certificates of Advance, and the Provisions of the said thirdly-recited Act as to Description by Reference shall, as far as Circumstances will admit, apply to the Land actually comprised in any such Certificate of Advance, as effectually as if the same had comprised the whole of the Lands specified or comprised in the Provisional Certificate.

Interpretation of Terms. 1 & 2 Vict. c. 109.

XXXII. And be it enacted, That in the Interpretation of this Act the Words "the Commissioners" or "the said Commissioners" shall, as regards Lands in *Great Britain*, mean the Inclosure Commissioners for *England* and *Wales*, and as regards Lands in *Ireland*, the said Commissioners of Public Works in *Ireland*; the Words "Owner of Land" shall, as to Land in *England* and *Wales*, have the same Meaning for the Purposes of this Act as is given to the Words "Owner of Lands" in the said Act of the Seventh Year of King *William* the Fourth for the Commutation of Tithes in *England* and *Wales*, for the Purposes of such Act; and the Words "Owner of Land" shall, as to Land in *Scotland*, mean or include every Fiar, Liferenter, Heir of Entail, Husband of a married Woman seised in her own Right, Tutor, Curator, and other Guardian for any Infant, Minor, Lunatic, or

or Idiot, fatuous or furious Person, and every Trustee who respectively shall be in the actual Possession of the Land or in Receipt of the Rents payable on the Tacks, Leases, or Tenancies of the Tenants in the actual Possession thereof, and shall include any Corporation; and the Words "Owner of Land" shall, as to Lands in *Ireland*, mean and include such Person as under the said Act passed in the First and Second Years of the Reign of Her present Majesty, intituled *An Act to abolish Compositions for Tithes in* Ireland, *and to substitute Rent-charges in lieu thereof*, shall have the first Estate of Inheritance or other Estate or Interest equivalent to a perpetual Estate or Interest therein; and also any Tenant in Dower or by the Curtesy, or any Person having under the Limitations of any Settlement by Deed, Will, Act of Parliament, or otherwise, any Estate for Life or other particular Estate thereby created or limited out of or in any Estate of Inheritance, or out of or in any such Estate or Interest as by or under the said last-mentioned Act is to be deemed equivalent to a perpetual Estate or Interest, and also a Husband of a married Woman seised in her own Right, and the Guardian of any Infant, or Committee of any Idiot or Lunatic, and any Trustee or Trustees in the actual Possession or in the Receipt of the Rents as to any such Estates or Interests as last aforesaid, and shall include a Corporation; and the Word "Person" shall mean and include any Body Corporate, Aggregate, or Sole, as well as an Individual; and any Word importing the Singular Number only shall also mean and include the Plural Number, and any Word importing the Masculine Gender shall also import the Feminine Gender.

Short Title.

XXXIII. And be it enacted, That in citing this Act in other Acts of Parliament and in legal Instruments it shall be sufficient to use the Expression "The Private Money Drainage Act, 1849."

Act may be amended, &c

XXXIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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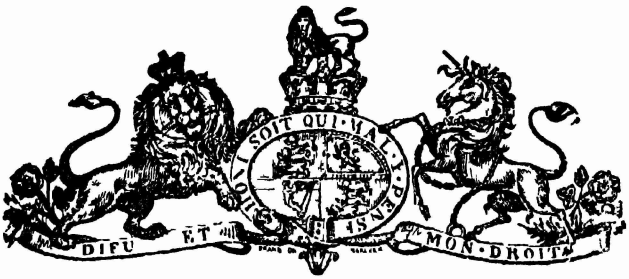


ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. CI.

An Act to amend the Act for the more easy Recovery of Small Debts and Demands in *England*, and to abolish certain Inferior Courts of Record. [1st *August* 1849]

WHEREAS by an Act passed in the Tenth Year of Her present Majesty, intituled *An Act for the more easy Recovery of Small Debts and Demands in* England, Power is given to the Judge in the Cases therein mentioned to order that a Party summoned in respect of an unsatisfied Judgment or Order, or a Defendant in any Suit, may be committed to the Common Gaol or House of Correction of the County, District, or Place in which such Party or Defendant is resident, or to any Prison which should be provided as the Prison of the Court, for any Period not exceeding Forty Days: And whereas it is inexpedient that Persons should be committed under the said Act to Houses of Correction: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That from and after the Thirty-first Day of *August* One thousand eight hundred and forty-nine so much of the said Act as authorizes any Judge to order any such Party or Defendant to be committed as herein-before mentioned shall be repealed;

9 & 10 Vict. c. 95.

To what Prisons Persons may be committed under recited Act for Frauds, &c

repealed; and it shall be lawful for any Judge who would have been authorized under the said Act to order any Party or Defendant to be committed as aforesaid for any such Period as aforesaid, to order such Party or Defendant to be committed for the like Period to the Common Gaol wherein the Debtors under Judgment and in Execution of the Superior Courts of Justice may be confined for the County, City, Borough, or Place in which such Party or Defendant is resident, or to any other Gaol or Debtors Prison for the same County, City, Borough, or Place which shall by any Declaration of One of Her Majesty's Principal Secretaries of State be allowed as a Place of Imprisonment for Persons committed under the said Act, so long as such Declaration shall remain in force and unrevoked, or to any Prison which has been or shall be provided as in the said Act mentioned as the Prison of the Court by the Judge of which such Order may be made; and all the Provisions of the said Act applicable to and consequent upon the Order for Commitment under the Power herein-before repealed, and to the Prisons to which Persons might be committed under such Order, shall apply to and be construed with reference to any Order made under the Power herein-before contained, and the Prisons to which Persons may be committed under such Order.

To what Prisons Persons may be committed under the said Act, for Contempt.

II. And whereas by the said Act of the Tenth Year of Her Majesty it was enacted, that if any Person should wilfully insult the Judge, or any Juror, or any Bailiff, Clerk, or Officer of the Court for the Time being, during his Sitting or Attendance in Court, or in going to or returning from the Court, or should wilfully interrupt the Proceedings of the Court, or otherwise misbehave in Court, the Judge should be empowered, if he should think fit, by a Warrant under his Hand, and sealed with the Seal of the Court, to commit any such Offender to any Prison to which he had Power to commit Offenders under the said Act for any Time not exceeding Seven Days, or to impose upon any such Offender a Fine not exceeding Five Pounds for every such Offence, and in default of Payment thereof to commit the Offender to any such Prison as aforesaid for any Time not exceeding Seven Days, unless the said Fine were sooner paid: Be it enacted, That from and after the Thirty-first Day of *August* One thousand eight hundred and forty-nine so much of the last-recited Enactment as authorizes the Judge to commit any such Offender to any such Prison as therein mentioned shall be repealed, and in any Case in which any Judge would under such Enactment have been authorized to commit any such Offender to any such Prison as therein mentioned for such Period as therein mentioned, such Judge shall be empowered, if he think fit, by Warrant, as therein mentioned, to commit such Offender for the like Period to any Common Gaol wherein the Debtors

under Judgment and in Execution of the Superior Courts of Justice may be confined, for any County, City, Borough, or Place wholly or in part within any District of such Judge, or to any other Gaol or Debtors Prison for any such County, City, Borough, or Place which shall by Declaration as aforesaid be allowed as a Place of Imprisonment for Persons committed under the said Act, so long as such Declaration shall remain in force and unrevoked, or to any Prison which has been or may be provided, as in the said Act mentioned, as the Prison of the Court by the Judge of which such Offender shall be committed.

Where Debtors Prison is situated at an inconvenient Distance or crowded, Secretary of State may authorize Commitment to House of Correction.

III. Provided always, and be it enacted, That where, by reason of any Common Gaol wherein Debtors under Judgment and in Execution of the Superior Courts of Justice may be confined being situated at an inconvenient Distance, or of the crowded State of any such Gaol, or otherwise, it shall appear to One of Her Majesty's Principal Secretaries of State expedient so to do, it shall be lawful for such Secretary of State, by Order under his Hand, to authorize to be used for the Purposes of Commitments under the said Act of the Tenth Year of Her Majesty any House of Correction or Common Gaol in which such Debtors as aforesaid may not be confined (to be mentioned in such Order), and to make Orders for altering the Regulations of such House of Correction or Gaol as last aforesaid, so far as respects the Treatment of Persons to be committed under this Act, in order that such Persons may be treated as nearly as may be in like Manner as if they had been committed to a Gaol in which such Debtors as aforesaid may be confined, notwithstanding the Regulations in force in such House of Correction or Gaol to which such Persons may be committed; and every such Order may from Time to Time be revoked or varied by such Secretary of State as Occasion may require.

Gaols maintained by Lords of Liberties and private Persons not to be used without their Consent.

IV. Provided also, and be it enacted, That where, under the Provisions herein-before contained, Persons might be committed to any Gaol or Prison not now used for the Purposes of the said Act which by reason of the Tenure of any Liberty or Franchise, or otherwise, is maintained at the private Charges of the Lord of such Liberty or Franchise, or of any other private Person, such Gaol or Prison shall not be used for the Purposes of Commitments under the said Act until such Lord or Person as aforesaid shall have given his Consent in Writing to such Gaol or Prison being so used.

9 & 10 Vict. c. 95.

V. And whereas by the said Act of the Tenth Year of Her Majesty it was enacted, "that it should be lawful for any Court "holden under that Act, with the Approval of One of Her Majesty's "Principal Secretaries of State, to use as a Prison for the Purposes "of

" of that Act any Prison then belonging to any Court holden under " any of the Acts cited in the Schedules (A.) and (B.) to that Act, " in all Cases where it should appear to the said Secretary of State " that the Common Gaol or House of Correction of the County, " District, or Place in which the Court was established was incon- " veniently situated, or was not applicable for the Use of the said " Courts; and whenever any such Prison should be so allowed to be " used it should be deemed One of the Common Gaols of the " County for which it should be used, as if it had been provided " after Presentment of the Insufficiency of One Common Gaol for " such County under the Provisions of an Act passed in the Sixth " Year of the Reign of Her Majesty, intituled *An Act to amend* " *the Laws concerning Prisons:*" And whereas a Prison used under the said recited Enactment for a Division of a County may be deemed a Gaol for the County at large: Be it declared and enacted, That where a Prison allowed to be used with the Approval of such Secretary of State shall be so used for any Riding, Parts, or Division of a County having a distinct Commission of the Peace, or a distinct Rate in the Nature of a County Rate applicable to the Maintenance of a Prison for such Riding, Parts, or Division (and not for the County at large), such Prison shall be deemed One of the Common Gaols for the Riding, Parts, or Division for which it is so used (and not for the County at large), as if it had been provided after Presentment of the Insufficiency of One Common Gaol for such Riding, Parts, or Division under the said Act of the Sixth Year of Her Majesty.

5 & 6 Vict. c. 98.

A Prison used under recited Enactment for any Riding, Parts, or Division of a County, to be deemed a Common Gaol for such Riding, Parts, or Division.

Power to Secretary of State, with Consent of the Treasury, to alter Fees payable on Proceedings in County Courts.

VI. And be it enacted, That it shall be lawful for One of Her Majesty's Principal Secretaries of State, with the Consent of the Commissioners of Her Majesty's Treasury, from Time to Time to regulate or vary, lessen or increase, the Fees or Sums in the Name of Fees now payable, or which from Time to Time may be payable, on the several Proceedings in the Courts holden under the said Act of the Tenth Year of Her Majesty to the Judges, Clerks, and High Bailiffs of such Courts, and such Fees or Sums may be so regulated from Time to Time by way of Per-centage on the Amount of the Demand; and such Secretary of State, with such Consent as aforesaid, may from Time to Time appoint, instead of all or any of the Fees or Sums in the Name of Fees now payable or which may from Time to Time be payable as aforesaid, other Fees or Sums by way of Per-centage or otherwise, and to be payable on such Proceedings under such last-mentioned Act as such Secretary of State with such Consent as aforesaid may direct.

So much of recited Act 9 & 10 Vict. c. 95. as directs Clerk

VII. And be it enacted, That so much of the said Act of the Tenth Year of Her Majesty as directs that the Clerk of every Court holden under the said Act shall pay over to the Treasurer of the Court, quarterly

quarterly or oftener in every Year, by Order of the Court, the Monies remaining in his Hands over and above his own Fees, and such Balance as he shall be allowed by Order of the Court to retain for the current Expenditure of the Court, shall be repealed; and the Clerk of every Court holden under the said Act shall pay over to the Treasurer of the Court, quarterly or oftener in every Year, as he may be directed by the Commissioners of Her Majesty's Treasury, the Monies remaining in his Hands over and above his own Fees, and such Balance as he shall be allowed by Order of the said Commissioners to retain for the current Expenditure of the Court.

to pay over Monies to Treasurer repealed.

Clerk to pay over his Balance as the Treasury may direct.

VIII. And be it enacted, That so much of the said Act of the Tenth Year of Her Majesty as enacts that the Clerk of every Court, under the Directions of the Commissioners of Her Majesty's Treasury, and subject to such Regulations as they may require to be enforced, shall make all necessary Contracts or otherwise provide for repairing and furnishing, and for cleaning, lighting, and warming, the Court House and Offices of such Court, and for supplying the said Court and Offices with Law and Office Books and Stationery, and for defraying all other necessary Expenses not otherwise provided for incident to the holding of the said Court, and as provides that no Payment for any Charge shall be allowed in the Clerk's Accounts until allowed under the Hand of the Judge, shall be repealed; and it shall be lawful for the Commissioners of Her Majesty's Treasury to provide for the several Purposes and for defraying the several Expenses aforesaid in such Manner, and by the Agency of such Officers of the Court, or otherwise, as to them shall seem fit.

So much of 9 & 10 Vict. c. 95. as enacts that Clerks shall make all necessary Contracts, &c., repealed.

Treasury to provide for the several Purposes, and defray the Expenses.

IX. And be it enacted, That it shall be lawful for the Commissioners of Her Majesty's Treasury, if they shall think fit, to direct that the whole or Part of the Expenses incurred or to be incurred in the Performance of the Duties required by the Act passed in the Eleventh Year of Her Majesty's Reign, intituled *An Act to abolish the Court of Review in Bankruptcy, and to make Alterations in the Jurisdiction in the Courts of Bankruptcy and Court for Relief of Insolvent Debtors*, to be performed by the Officers of the Courts established by the said Act of the Tenth Year of Her Majesty, shall be paid out of "The General Fund" of such respective Courts, and that the Surplus for the Time being of the General Fund of each such Court, after defraying the Expenses of such respective Court, shall be applicable, under the Directions of the said Commissioners of the Treasury, to the Payment of the Expenses of any other of the said Courts of which the General Fund may be insufficient for that Purpose.

Providing for Payment of the Expenses incurred under 10 & 11 Vict. c. 102., and for applying the Surplus of General Fund of any Court to Expenses of any other Courts where such Fund is deficient.

Judge may authorize Bailiffs to act as Brokers.

X. And be it enacted, That it shall be lawful for the Judge of any Court holden under the said Act of the Tenth Year of Her Majesty, by any Writing under his Hand, to authorize any of the Bailiffs appointed by the High Bailiff under the said Act to act as Brokers or Appraisers for the Purpose of selling or valuing any Goods, Chattels, or Effects taken in Execution under the said Act; and the Bailiffs so authorized by the Judge may, without other Licence in this Behalf, do and perform all the Duties and shall be entitled to the Poundage which Sworn Brokers or Appraisers may now do and perform and are entitled to under the said Act.

So much of 9 & 10 Vict. c. 95. as requires Notice of HerMajesty's Intention to make Order in Council repealed

XI. And be it enacted, That so much of the said Act of the Tenth Year of Her Majesty as requires that Notice of the Intention of Her Majesty to take into consideration the Propriety of making any Order in Council for the Purposes of the said Act shall be published in the *London Gazette* One Calendar Month at least before any such Order shall be made, shall be repealed.

Lord Chancellor may authorize Five Judges of County Courts to make General Rules, such Rules to be approved by Judges of the Superior Courts, and laid before Parliament.

XII. And be it enacted, That it shall be lawful for the Lord Chancellor to appoint and authorize Five of the Judges of the Courts holden under the said Act of the Tenth Year of Her Majesty to frame such General Rules and Orders as to them shall seem expedient for and concerning the Practice and Proceedings of the Courts holden under the said Act, and for the Execution of the Process of such Courts, and in relation to any of the Provisions of the said Act as to which there may have arisen Doubts or have been conflicting Decisions in the said Courts; and all such Rules and Orders as aforesaid as shall be certified to the Lord Chancellor, under the Hands of the Judges so appointed or authorized, or any Three of them, shall be submitted by the Lord Chancellor to Three or more of the Judges of the Superior Courts of Common Law at *Westminster*, of whom the Chief Justice of the Court of Queen's Bench or Common Pleas or the Chief Baron of the Court of Exchequer shall be one; and such Judges of the Superior Courts may approve or disallow, or alter or amend, such Rules and Orders, or any of them; and such of the Rules as shall be so approved by such Judges of the Superior Courts shall forthwith after the Approval thereof be laid before both Houses of Parliament, if Parliament be then sitting, or if Parliament be not sitting, then within Five Days after the next Meeting thereof; and no such Rule or Order shall have Effect until Six Weeks after the same shall have been so laid before both Houses of Parliament; and any Rule or Order so approved shall from and after the Expiration of such Time as last aforesaid be of the same Force and Effect as if the same had been enacted by Authority of Parliament.

XIII. And whereas it is expedient to abolish the Court of the Marshalsea of Household of the Kings of *England*, and the Court of our Lady the Queen of the Palace of the Queen at *Westminster*, and Her Majesty's Court of Record for the Honour of *Peveril* and additional Limits of the same: Be it enacted, That from and after the passing of this Act no Action or Suit shall be commenced in any of the said Courts.

No Action or Suit to be brought in the Marshalsea or Palace Court or Peveril Court after the passing of this Act.

XIV. And be it enacted, That from and after the Thirty-first Day of *December* One thousand eight hundred and forty-nine all the Power, Authority, and Jurisdiction of the said Court of the Marshalsea, and of the said Court of the Palace of the Queen at *Westminster*, and of the said Court for the Honour of *Peveril* and additional Limits of the same, and of the Judges of the said Courts respectively, shall cease and determine, and that all Actions and Suits then depending in the said Courts respectively shall be transferred, with all the Proceedings thereon, to Her Majesty's Court of Common Pleas at *Westminster*, if the Debt or Damages sought to be recovered in such Actions or Suits respectively shall exceed the Sum of Twenty Pounds, and to the County Court for the District in which the respective Defendants shall then reside, if the Debt or Damages sought to be recovered in such Actions or Suits respectively shall not exceed the Sum of Twenty Pounds; and such Actions and Suits so transferred shall be dealt with and decided according to the Practice of those Courts respectively, or of the Court whence the same shall be transferred, according to the Discretion of the Court to which the same shall be transferred, which Court shall, for the Purpose of such Actions or Suits only, be deemed and taken to have all the Power and Jurisdiction to all Intents and Purposes possessed before the passing of this Act by the Court whence such Action or Suit shall be transferred.

Powers of Marshalsea and Palace and Peveril Courts to cease on 31st Dec. 1849. and Actions and Suits then depending to be transferred to the Court of Common Pleas or the County Court, as the Case may require.

XV. Provided always, and be it enacted, That all Judgments obtained in any of the Courts hereby abolished on or before the Thirty-first Day of *December* One thousand eight hundred and forty-nine shall, notwithstanding the passing of this Act, be as valid and effectual, and as capable of being enforced by the Process of the Court in which such Judgments shall respectively have been obtained, as if this Act had not been passed.

Judgments of abolished Courts obtained on or before 31st Dec. 1849 may be enforced as heretofore.

XVI. And be it enacted, That the Records, Muniments, and Writings of the several Courts abolished by this Act shall, as soon as conveniently may be after the Thirty-first Day of *December* One thousand eight hundred and forty-nine, be placed under the Charge and Superintendence of the Master of the Rolls for the Time being, to be deposited and kept in such Place or Places as the said Master of

Records of abolished Courts to be placed under the Charge of Master of the Rolls under 1 & 2 Vict. c. 94.

of the Rolls shall direct; and such Records, Muniments, and Writings shall thenceforth be deemed to be in the Custody of the Master of the Rolls under the Authority of an Act passed in the Second Year of Her Majesty, intituled *An Act for keeping safely the Public Records;* and, until such Records, Muniments, and Writings shall be so placed under the Charge and Superintendence of the said Master of the Rolls as aforesaid, the same shall be respectively kept by the same Persons and in the same Places as before the passing of this Act.

Compensation to Officers of abolished Courts.

XVII. And be it enacted, That every Person who is legally entitled to any Franchise or Office in any of the Courts abolished by this Act shall be entitled to make a Claim for Compensation to the Commissioners of Her Majesty's Treasury within Six Calendar Months after the passing of this Act, and it shall be lawful for the said Commissioners, in such Manner as they shall think fit, to inquire what was the Nature of the Office, and what was the Tenure thereof, and what were the lawful Fees and Emoluments in respect of which such Compensation should be allowed; but any Increase of such Fees or Emoluments which shall have happened after the passing of the said Act of the Tenth Year of Her Majesty shall not be taken into account in estimating the Amount of such Compensation; and the Commissioners in each Case shall award such gross or yearly Sum, and for such Time as they shall think just, to be awarded, upon Consideration of the special Circumstances of each Case; and all such Compensations shall be paid out of the Consolidated Fund of the United Kingdom of *Great Britain* and *Ireland:* Provided always, that if any Person holding any Office in any of the said Courts shall be appointed after the passing of this Act to any public Office or Employment, the Payment of the Compensation awarded to him under this Act, so long as he shall continue to receive the Salary or Emoluments of such Office or Employment, shall be suspended, if the Amount of such Salary or Emoluments be greater than the Amount of such Compensation, or, if not, shall be diminished by the Amount of such Salary or Emoluments.

Attornies and Solicitors not exempt from Provisions of this Act.

XVIII. And be it enacted, That no Privilege shall be allowed to any Attorney, Solicitor, or other Person, to exempt him from the Provisions of this Act or the said Act for the more easy Recovery of Small Debts and Demands in *England.*

Act may be amended, &c.

XIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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Street for the Improvement of the Town of *Brighton*, and for the Accommodation of the Inhabitants thereof, and to do such other Acts for facilitating the said Objects as are herein-after specified: May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That it shall be lawful for the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being (by and with the Consent of the Lord High Treasurer for the Time being, or the Commissioners for executing the Office of Lord High Treasurer, or any Three of them,) and they are hereby authorized and empowered, to make sale and dispose of the said Royal Pavilion, Lawn, and Grounds, and all and singular the Lands and Hereditaments delineated and shown on the said Plan deposited in the Office of the said Commissioners as aforesaid, with their and every of their Appurtenances, and the Inheritance thereof in Fee Simple (except as to the said Lands held for Years, which shall be sold for the Residue only of the Terms of Years for which the same respectively are held, unless the Reversions in Fee thereof shall before any such Sale be acquired under the Power herein-after contained,) either together or in Lots, and either by public Auction or private Contract, for such Prices, and under and subject to such Conditions and Stipulations as to Title, or otherwise, as they may think proper, with full Power to buy in the same or any Part thereof at any Sale by Auction, and to rescind or vary any Contract for the Sale thereof or of any Part thereof, and afterwards to resell the same Premises in manner aforesaid.

Power to Commissioners of Woods, &c. to sell the Royal Pavilion, Brighton;

II. And be it enacted, That it shall be lawful for the said Commissioners for the Time being, if they shall think fit, at any Time before any Sale shall have been made thereof respectively, to cause the said Royal Pavilion, and the Chapel, Stables, Outhouses, and other Buildings thereto belonging, or erected on any Part of the Hereditaments delineated in the aforesaid Plan, or any Part or Parts thereof, to be pulled down, and to sell the Materials thereof, other than the Materials of the Chapel, in manner herein-before mentioned; and such Chapel shall be pulled down, notwithstanding the same has been consecrated, but it shall not be lawful for the said Commissioners to sell the Materials of the said Chapel, or to use or appropriate them, without the previous Consent in Writing of the Bishop of the Diocese for the Time being.

and before Sale, if they think fit, to pull down Buildings, and sell Materials.

Chapel to be pulled down, but Materials not to be sold without Consent of Bishop

III. And be it enacted, That it shall be lawful for the said Commissioners for the Time being, if they shall think fit, in the meantime and until such Sale of the said Hereditaments shall have been made as aforesaid, with such Consent as aforesaid, to demise or agree to demise all or any Part of the said Lands and Hereditaments for any Term or Terms of Years, and either with or without taking any Fine or Premium, and for such Rent or Rents, and upon such Terms and Conditions, as they shall think expedient, and afterwards to sell the same Lands and Hereditaments, subject to such Lease or Leases or Agreement or Agreements, in manner herein-before mentioned.

Power to Commissioners of Woods, &c. to lease before Sale.

IV. And be it enacted, That it shall be lawful for the said Commissioners for the Time being, if they shall think fit, with such Consent as aforesaid, at any Time or Times hereafter to purchase of any Person or Persons who shall be willing to sell the same, for and on behalf of Her Majesty, Her Heirs and Successors, with and out of any Monies which shall or may come to their Hands by virtue of any Sale or Demise to be made by them as hereby directed, and for such Sum or Sums of Money as they shall think fit, any Right, Reversion, Estate, or Interest in any Part of the Property hereby directed to be sold which it shall by the said Commissioners be thought necessary or desirable to purchase for the Purpose of effecting an advantageous Sale or Disposition of any of the said Hereditaments hereby directed to be sold; and all the Persons or Bodies who by virtue of the Provisions contained in an Act passed in the Tenth Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act to consolidate and amend the Laws relating to the Management and Improvement of His Majesty's Woods, Forests, Parks, and Chases of the Land Revenue of the Crown within the Survey of the Exchequer in* England, *and of the Land Revenue of the Crown in* Ireland, *and for extending certain Provisions relating to the same to the Isles of* Man *and* Alderney, are capacitated to sell Lands or Hereditaments to the Commissioners for the Time being of His Majesty's Woods, Forests, and Land Revenues, shall and may sell to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings any Right, Reversion, Estate, or Interest in the Lands and Hereditaments hereby authorized to be sold, or any Part thereof; and all and every the Provisions in the said last-mentioned Act contained relating to the Sale of Lands to the said Commissioners therein named, and all other Provisions in the said Act contained, so far as the same may be necessary or expedient for the carrying the Provisions of this Act into effect, shall apply and extend to this Act, and in all respects as if the same were here repeated and made applicable to the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings for the Time being.

Power to Commissioners to purchase the Reversion of Leasehold Portions.

10 G. 4. c. 50.

V. Provided always, and be it enacted, That, notwithstanding anything herein-before contained, it shall be lawful for the said Commissioners for the Time being, before Sale of the said Hereditaments, to set out and appropriate Part of the said Hereditaments hereby authorized to be sold as and for a public Carriage Road from a Point near to *Marlborough Row* and *Church Street* on the North to another Point at or near to *Castle Square* on the South, and which Points are on the said Plan marked A. and B. (being the Direction of a certain old Road which was formerly stopped up), and to form and construct such Carriage Road with convenient Footpaths on each Side thereof, such Road, including the Footpaths, to be of the Width of Fifty Feet at least; and after such Road and Footpaths shall have been set out and formed as aforesaid, the same shall for ever thereafter be taken and used as a public Highway and Carriage Road, and shall be repaired, lighted, and maintained by and at the Expense of the Commissioners, Trustees, or other Persons by whom the

Commissioners to set out and form a public Carriage Road.

the public Highways and Carriage Roads in the Town of *Brighton* are by Law liable to be maintained.

Application of Monies to arise from Sales or Leases.

VI. And be it enacted, That out of the Monies to arise from such Sale or Sales as aforesaid, or to be received for Rents or Fines on Leases or otherwise, under the Authority of this Act, the Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings shall, in the first place, pay and discharge the Expenses of obtaining and passing this Act, and incidental thereto, and of forming and constructing the said Carriage Road or public Highway, if the said Commissioners shall think fit to form and construct the same, and of completing the Sales hereby authorized to be made, and generally of carrying this Act into execution; and the said last-named Commissioners shall pay and apply the Residue of all such Monies as aforesaid in and towards the Expenses incurred or to be incurred of repairing, improving, and enlarging Her Majesty's Palace called *Buckingham Palace.*

Acts of Commissioners may be done by any Two of them, and Lands sold or leased to be freed from all Incumbrances.

VII. And be it enacted, That all Acts hereby directed to be done by the said last named Commissioners may be done by any Two of them, and that the Deed or Deeds of any Two or more of the said last-named Commissioners for the Time being shall be a full and effectual Grant, Conveyance, or Demise (as the Case may be) of all or any Part of the said Hereditaments and Premises hereby authorized to be sold, granted, or demised, for such Estate or Estates, Interest or Interests, as shall be therein expressed to be granted or conveyed; and the Hereditaments so conveyed or demised shall be freed and discharged from all Estates, Charges, or Incumbrances whatsoever, except the Restrictions against the Erection of Buildings herein-before referred to, and the Rights, Remedies, and Powers of the Lords of the Manor of *Brighthelmstone* for the Time being to compel the Observance thereof, anything in this Act contained to the contrary in anywise notwithstanding.

Saving the Rights of Thomas West, Esq.

VIII. Provided always, and be it enacted, That nothing in this Act contained shall prejudice or affect any Rights of Way, or other Rights or Privileges (if any), which are now vested in *Thomas West* Esquire, and *Anne* his Wife, or either of them, as claiming under His late Majesty King *George* the Fourth, in respect of the House and Premises No. 13, *Castle Square, Brighton,* belonging to the said *Thomas West* and *Anne* his Wife, or one of them, and now in the Occupation of the said Commissioners of Her Majesty's Woods, Forests, Land Revenues, Works, and Buildings, under an Assignment of a Lease from the said *Thomas West* to *John Caffyn.*

Act may be amended, &c.

IX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. CIII.

### An Act to continue an Act of the last Session of Parliament, for charging the Maintenance of certain poor Persons in Unions upon the Common Fund; and to make certain Amendments in the Laws for the Relief of the Poor.

[1st *August* 1849.]

WHEREAS by an Act passed in the Twelfth Year of the Reign of Her present Majesty, intituled *An Act to alter the Provisions relating to the Charges for the Relief of the Poor in Unions*, Provisions were made whereby the Costs of the Relief and the Expenses of the Burial of certain poor Persons therein described are made chargeable upon the Common Fund of the Union until the Thirtieth Day of *September* in the present Year; and it is expedient that such Term should be extended, and that various Amendments should be made in the Laws relating to the Relief of the Poor: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the Provisions in the said Act regarding the Charge of such Costs and Expenses upon the Common Fund, which Provisions would, unless

11 & 12 Vict. c. 110.

Certain Provisions of 11 & 12 Vict. c. 110. con-

tinued for a limited Time.

unless continued by Parliament, expire on the Thirtieth Day of *September* next, shall be continued in full Force until the Thirtieth Day of *September* One thousand eight hundred and fifty, and to the End of the then next Session of Parliament.

Who may be deemed a destitute Foundling within the 11 & 12 Vict. c. 110.

II. And be it enacted, That the Term "destitute Foundling" contained in the said Act shall extend to any destitute Child under the Age of Twelve Years who shall be deserted by both Parents or by its surviving Parent, and who shall not be in the Care or Custody of some Relative, Guardian, or Friend, and whose Settlement shall not be known.

Persons chargeable to the Common Fund brought within the Provisions of 5 G. 4., &c.

III. And be it enacted, That the Chargeability of any Person to the Common Fund of a Union shall have the same Effect and shall be attended with the same Consequences as the Chargeability of any poor Person to a Parish in respect of Proceedings to be taken under the Act of the Fifth Year of the Reign of His late Majesty *George* the Fourth, intituled *An Act for the Prevention of Vagrancy*, or under the Statutes for the Removal from *England* of poor Persons born in *Scotland* or *Ireland*, or in the *Isle of Man*, or *Scilly*, *Jersey*, or *Guernsey*, or under the Statutes for the Removal of Lunatic Paupers to Asylums, or under any Statute against unlawfully causing or procuring the Removal of any poor Person.

Removal of a Lunatic to an Asylum or of a Pauper to a Workhouse of the Union not to be deemed an Interruption of the Residence under 9 & 10 Vict. c. 66., but the Time to be excluded from Computation.

IV. And be it enacted, That the Removal of any Lunatic Pauper to an Asylum, licensed House, or registered Hospital, under the Authority of the Statutes in that Behalf, or of any Pauper, otherwise than under an Order of Removal, from his Place of Abode in any Parish of a Union to the Workhouse of such Union, shall not be deemed to be an Interruption of the Residence of such Pauper within the Meaning of the Statute of the Tenth Year of the Reign of Her Majesty, intituled *An Act to amend the Laws relating to the Removal of the Poor*, but the Time spent in such Lunatic Asylum, licensed House, or registered Hospital or Workhouse respectively, and the Time during which any Person shall be relieved at the Charge of the Common Fund of the Union, shall be wholly excluded from the Computation of the Time of Residence which, according to the Provisions of such Statute, will exempt a poor Person from being removed.

The Costs of Lunatic Poor, being irremovable to be borne by the Common Fund.

V. And be it enacted, That all the Costs and Expenses incurred, or hereafter to be incurred, since the Twenty-fifth Day of *March* last in and about the obtaining any Order of Justices for the Removal and Maintenance of a Lunatic Pauper who shall have been or shall be removed under any such Order to any Asylum, licensed House, or registered Hospital, and who, if not a Lunatic, would have been exempt from Removal by reason of some Provision in the said last-

recited Act of the Tenth Year of the Reign of Her Majesty, shall, until the Time when the Provisions herein-before contained shall cease, be borne by the Common Fund of the Union comprising the Parish wherein such Pauper Lunatic was resident at the Time when such Lunatic Pauper was so removed to such Asylum, licensed House, or registered Hospital, notwithstanding the Order for the Payment thereof shall have been made upon the Overseers of such Parish, or the Parish of the Settlement, or upon the Treasurer or Guardians of the Union in which either Parish shall be comprised.

No Person to be appointed Overseer who is interested in certain Contracts.

VI. And be it enacted, That no Person shall be qualified to be appointed to be an Overseer of the Poor in any Parish who at the Time of the proposed Appointment shall be engaged or directly or indirectly concerned in any Contract for the Supply of Goods, Wares, Materials, or Provisions for the Workhouse, or for the Relief of the Poor in such Parish or in the Union comprising such Parish: Provided always, that no Rate or Assessment made, nor any other Act or Thing done, by such Person as Overseer, nor the Service of any Notice, Demand, Order, or Process upon him as such, shall, if in other respects legal and sufficient, be deemed invalid by reason only of such Disqualification.

Recovery of Contributions when Copy of the Order served upon One Overseer.

VII. And be it enacted, That where the Guardians of any Union or Parish shall make any Order for the Payment of Money upon Overseers or other Officers of any Parish upon whom they are empowered by Law to make it, and a Copy of such Order shall be served upon any one of such Overseers or other Officers, it shall be lawful for the said Guardians to enforce such Order against the Person so served as fully and as effectually as if a Copy thereof had been also served upon every one of such Overseers or other Officers.

On Vacancy in the Office of Auditor, Poor Law Board to appoint a temporary Auditor to audit Accounts incomplete.

VIII. And be it enacted, That when any Auditor shall die, resign, or be removed, or become incompetent to act, at any Time when the Audit of the Accounts of the Parishes or Unions within his District shall not be completed, the Poor Law Board may, by Order under their Seal, appoint temporarily some other Person to audit the Accounts of the several Parishes or Unions which may then be ready to be audited; and such temporary Auditor shall have the same Powers and Authorities, and shall be subject to the same Obligations and Duties, as the ordinary Auditor would have possessed or would have been subject to, and shall receive such Remuneration as the said Commissioners shall direct for the Performance of his Services herein.

Certain Limitation in 11 & 12 Vict. c. 43. not to

IX. And whereas in the Act of the last Session of Parliament, intituled *An Act to facilitate the Performance of the Duties of Justices*

apply to Proceedings by Auditors.

*Justices of the Peace out of Sessions within* England *and* Wales *with respect to summary Convictions and Orders*, it is enacted, that in all Cases where no Time had then been or should thereafter be specially limited for making the Complaints, or laying the Informations therein referred to, every such Complaint should be made and every such Information laid within Six Calendar Months from the Time when the Matter of such Complaint or Information respectively arose; and Doubts have been entertained whether the Provision aforesaid applies to Proceedings by Auditors to recover Sums certified by them to be due in the Accounts of Officers or other Persons, and it is desirable to remove such Doubts: Be it therefore declared and enacted, That nothing in the Provision of the said Act herein recited shall be deemed to apply to any such Proceeding by any Auditor, but that no Auditor shall commence any such Proceeding after the Lapse of Nine Calendar Months from the Disallowance or Surcharge by such Auditor, or, in the event of an Application by way of Appeal against the same to the Court of Queen's Bench or to the Poor Law Board, after the Lapse of Nine Calendar Months from the Determination thereupon.

In Proceedings for Penalties and Forfeitures under Act 5 W. 4. or any subsequent Statute, full Costs to be allowed.

X. And be it enacted, That in the Case of the Prosecution of any Information, or the Proceeding for any Penalty or Forfeiture, or for enforcing any Order under the said Statute of the Fifth Year of the Reign of His late Majesty King *William* the Fourth, or of any subsequent Statute incorporated therewith, where Judgment shall be given against the Defendant, and the Justices shall order or direct such Defendant to pay the Costs, such Costs shall, in addition to other Costs lawfully chargeable, include all such Costs and Expenses incurred in respect of such Prosecution or the laying of such Information, or the preferring of the Complaint, or the making of the Application, and the Attendance of the Party, or his Counsel or Attorney, and the summoning and Attendance of the Witnesses required to prove the Case, as the Justices shall think fit to allow, and find to have been reasonably and properly incurred.

Auditors may recover Costs of Proceedings to enforce due Attendance at the Audit.

XI. And be it enacted, That where any Auditor shall lay any Information for a Penalty in consequence of the Default of any Officer or other Person to attend the Audit, or the Adjournment thereof, or to produce the proper Account or Vouchers, or to make or sign the proper Declaration before him, the Costs incurred by such Auditor, when not recovered from the Defendant in such Information, shall, if the Poor Law Board consent thereto, be payable to such Auditor, and be chargeable in like Manner as the Costs incurred by an Auditor in enforcing the Payment of Sums certified by him to be due.

XII. And

XII. And whereas by the said Act of the Fifth Year of the Reign of His late Majesty King *William* the Fourth Provision is made for the sending of Copies of the Rules, Orders, and Regulations of the Poor Law Commissioners to certain Persons therein described; and it is also therein enacted, that no Rule, Order, or Regulation of the said Commissioners, except certain Orders therein specially excepted, shall be in force until the Expiration of Fourteen Days after the Copies thereof shall have been sent by the said Commissioners: And whereas Parties to whom such Orders have been addressed have often acted in conformity therewith within the Period of Fourteen Days, and it is often convenient that they should do so: Be it therefore enacted, That nothing in the said Act contained shall be taken to invalidate any Act or Proceeding heretofore or hereafter to be done or taken in conformity with any Order of the said Commissioners or of the Poor Law Board by the Person or Persons to whom the same shall have been or shall be addressed, although the Period of Fourteen Days shall not have elapsed from the sending of the Copies of the said Order when any such Act shall have been done or Proceeding taken.

Orders of the Poor Law Commissioners or Poor Law Board may be acted upon, if the Parties think fit, within the Fourteen Days after being sent.

XIII. And be it enacted, That no Writ of Certiorari shall be granted, issued forth, or allowed to remove into the Court of Queen's Bench any Order, Rule, or Regulation of the Poor Law Commissioners, or of the Poor Law Board, heretofore made, unless such Certiorari be moved or applied for within Twelve Months next after the passing of this Act; and in respect of any Order, Rule, or Regulation to be hereafter made, within Twelve Months next after the Day when the Copy thereof shall be sent in the Manner required by the several Statutes in that Behalf.

Limitation of Time upon the Issue of a Certiorari to bring up the Orders of the Poor Law Commissioners or Poor Law Board.

XIV. And be it enacted, That where the Workhouse of any Union or Parish shall be governed and regulated by Rules, Orders, or Regulations of the Poor Law Commissioners or of the Poor Law Board, the Guardians of the Union or Parish to which such Workhouse belongs, in case of the overcrowding of the Workhouse of any other Union or Parish, or the Prevalence or reasonable Apprehension of any epidemic or contagious Disease, or in and towards carrying out any legal Resolution for the Emigration of poor Persons, may, with the Consent of the Poor Law Board, receive, lodge, and maintain in the first-mentioned Workhouse, upon such Terms as shall be mutually agreed upon by the respective Boards of Guardians, any poor Person belonging to such other Parish or Union; and such poor Person so received into such first-mentioned Workhouse shall while therein be treated in all respects in like Manner, and be subject to the same Regulations and Liabilities, as the other poor Persons

Guardians of a Union or Parish may contract to receive in their Workhouses certain Poor belonging to some other Union or Parish within certain Limits.

 therein,

therein, and shall be deemed to be chargeable in the first instance to the Common Fund of the Union or to the Parish in the Workhouse whereof such poor Person shall be received: Provided always, that the abiding of any such poor Person in such Workhouse shall in all other respects be attended with the same legal Consequences as if such Workhouse had been situated within the Union or Parish from which such poor Person shall have been sent.

Mode of describing Collectors of Poor Rates in Indictments for Larceny and Embezzlement.

XV. And whereas the Guardians of certain Unions and Parishes under the Authority of the Orders of the Poor Law Commissioners and of the Poor Law Board are empowered to appoint Collectors of Poor Rates and Assistant Overseers for some One or more of the Parishes comprised within their Union or for their Parish, as the Case may be, who collect and receive the Money and other Property of the Parish or Parishes for which they are appointed; and in Cases of Embezzlement or Larceny of such Money or Property by such Collector or Assistant Overseer Difficulty has arisen as to the proper Description of his Office in the Indictment or other Proceeding; Be it therefore enacted, That in respect of any Indictment or other Criminal Proceeding every Collector or Assistant Overseer appointed under the Authority of any Order of the Poor Law Commissioners or the Poor Law Board shall be deemed and taken to be the Servant of the Inhabitants of the Parish whose Money or other Property he shall be charged to have embezzled or stolen, and shall be so described; and it shall be sufficient to state any such Money or Property to belong to the Inhabitants of such Parish, without the Names of any such Inhabitants being specified.

Guardians may appropriate certain Property of Paupers.

XVI. And be it enacted, That where any Pauper shall have in his Possession or belonging to him any Money or valuable Security for Money, the Guardians of the Union or Parish within which such Pauper is chargeable may take and appropriate so much of such Money or the Produce of such Security, or recover the same as a Debt before any Local Court, as will reimburse the said Guardians for the Amount expended by them, whether on behalf of the Common Fund or of any Parish, in the Relief of such Pauper, during the Period of Twelve Months prior to such taking and Appropriation, or prior to such proceeding for the Recovery thereof (as the Case may be); and in the event of the Death of any Pauper having in his Possession or belonging to him any Money or Property, the Guardians of the Union or Parish wherein such Pauper shall die may reimburse themselves the Expenses incurred by them in and about the Burial of such Pauper, and in and about the Maintenance of such Pauper at any Time during the Twelve Months previous to the Decease.

XVII. And

XVII. And be it enacted, That it shall be lawful for the Guardians of any Union or Parish to pay the Costs of the Burial of any poor Person dying out of the Limits of such Union or Parish who was at the Time of the Death in the Receipt of Relief from such Guardians, and that the Cost of burying any poor Person by or under the Direction of any Guardians or Overseers shall be recoverable in like Manner and from the same Parties as the Cost of any Relief (if given to such Person when living) would have been recoverable.

Expenses of Burials recoverable as Loans.

XVIII. And whereas by the said recited Act of the Fifth Year of the Reign of His late Majesty the Poor Law Board are empowered, by and with the Consent in Writing of a Majority of the Guardians of any Union, or with the Consent of a Majority of the Rate-payers and Owners of Property entitled to vote in any Parish, by Writing under their Hand and Seal, to make certain Orders for the building, purchasing, hiring, enlarging, or altering of a Workhouse: And whereas in many Parishes, not comprised in any Union, the Affairs relating to the Relief of the Poor are managed by a Select Vestry, or by Guardians appointed or elected under the Authority of some Local Act, and in such Parishes it is difficult to obtain the Opinion of the Rate-payers and Owners of Property upon any such Question: Be it therefore enacted, That in any Parish where there shall be a Select Vestry lawfully appointed, or a Board of Guardians appointed under any Local Act, the Consent in Writing of the major Part of the Select Vestry, or of the Guardians, as the Case may be, shall be sufficient to enable the Poor Law Board to issue any Order, Rule, or Regulation in all such Cases as are herein-before referred to, where the Consent of the Rate-payers and Owners of Property would but for this Provision have been requisite; provided that where in any Parish there shall be a Select Vestry and also a Board of Guardians, the Consent in Writing of the major Part of the Vestry or Guardians shall be sufficient, according as such Vestry or Guardians respectively shall by Law be empowered to carry the Directions of the said Board into execution.

Guardians and Vestry in Parishes under Local Acts enabled to consent to Orders of the Poor Law Board.

XIX. And be it enacted, That in the Case of an Equality of Votes upon any Question at a Meeting of the Guardians of any Union or Parish the presiding Chairman at such Meeting shall have a second or casting Vote.

In case of Equality of Votes Chairman to have casting Vote.

XX. And be it enacted, That the Guardians of any Union, or of any separate Parish for which a Board of Guardians is or shall be established, may expend, with the Order and subject to the Rules and Regulations of the Poor Law Board, but not otherwise, any Sum of Money not exceeding Ten Pounds for each Person, in and about the Emigration of poor Persons having Settlements in such Parish, or in any

Guardians may expend limited Sum for Purposes of Emigration without a previous Vestry Meeting.

any Parish in such Union respectively, without the Necessity of the Rate-payers and Owners of Property therein meeting and giving their Consent (as required by the said Act of the Fifth Year of King *William* the Fourth) to such Expenditure, and such Guardians shall charge the same to the Parish of the Settlement, in every Case where such poor Person resided therein or was removeable thereto at the Time of the Emigration: Provided always, that the Guardian or (if more than One) a Majority of the Guardians of such last-mentioned Parish shall express his or their Concurrence in Writing in the Resolution of the Board of Guardians for such Expenditure, and that such written Concurrence shall be transmitted by the Clerk of the Union in communicating that Resolution to the Poor Law Board: Provided also, that the aggregate Amount of the Monies expended in the Course of any One Year in and about the Emigration of such poor Persons shall not exceed One Half the average yearly Poor Rate raised in the said Parish for the Three preceding Years.

Interpretation Clause, and Incorporation of the Statutes.

XXI. And be it enacted, That the several Words used in this Act shall be construed in the Manner prescribed by the said recited Act of the Fifth Year of the Reign of His late Majesty, and the Statutes explaining and extending it; and that the Commissioners for administering the Laws for Relief of the Poor in *England* may be described in all Instruments, Documents, and Proceedings in Courts of Law or otherwise, and may execute all Powers and Authorities from Time to Time vested in them, by the Name of "The Poor Law Board," and by such Name shall be understood in this Act; and that all the Provisions of the said last-mentioned Act and of the said Statutes not repealed shall extend to this Act, except where any such Provision would be inconsistent with anything herein contained.

Act to extend to England and Wales only.

XXII. And be it enacted, That this Act shall extend only to *England* and *Wales*.

Act may be amended, &c.

XXIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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Electoral Division shall have received Relief, and shall cease to be relieved, and shall thereafter, within the Period of Twelve Months, again begin to receive Relief, such last-mentioned Relief shall be chargeable on the Electoral Division to which such Person was in the first instance chargeable; provided also, that the Cost for the Relief of destitute Poor who shall not have resided in the Union where such Relief is given for the last Three Years next previous to receiving such Relief shall be charged and chargeable according to the Provisions of an Act passed in the Tenth Year of Her present Majesty, intituled *An Act to make further Provision for the Relief of the destitute Poor in* Ireland.

10 & 11 Vict. c. 31.

Repeal of 1 & 2 Vict. c. 56 in part.

II. And be it enacted, That so much of an Act passed in the Second Year of Her present Majesty's Reign, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, as authorizes and empowers the Commissioners therein mentioned, in case of a total or partial Dissolution of any Union, or other Alteration of the Limits thereof, to ascertain the proportionate Value of any Property to any Townland, and the proportionate Amount of the Liabilities chargeable to any Townland affected by such Alteration, and to fix the Amount payable to or from any Townland so affected, and to direct the Manner of paying, securing, and applying the Sums so payable, and the raising of the same, be repealed, except as to anything heretofore done or now pending under the said Act; and that from and after the passing of this Act it shall be lawful for the Commissioners for administering the Laws for the Relief of the Poor in *Ireland*, and they are hereby required, in all Cases wherein any Change shall be made under the Provisions of the said Act in the Boundaries of any Union or Electoral Division, to make such Order under their Seal as to them shall appear necessary for the Adjustment of the Liabilities of such Union or Electoral Division existing at the Time of Change, and the proportionate Share thereof to be borne by any Townland or Townlands affected by such Change, and likewise for indemnifying any Union, Electoral Division, or Townland for any Loss or Exchange of Property occasioned by such Alteration of Boundaries, and for charging on any such Union, Electoral Division, or Townland the Value of any Property or Share thereof acquired or taken in exchange by reason of such Alteration, and the Expense of such Indemnification as aforesaid; and the said Commissioners shall be empowered to direct, if they shall see fit, the levying of any Sum which it shall be necessary to raise for such Adjustment, Charge, or Indemnification as aforesaid by special Rate or otherwise on any Union, Electoral Division, or Townland, as in the said Order shall be expressed; and every such special Rate shall be made by the Parties and in the Manner to be specified in the said Order, and shall be levied

Adjustment of the Accounts on any Alteration of the Limits of a Union or Electoral Division taking place.

levied by all the same Powers, Ways, and Means as are provided for the levying of Rates under the Provisions of the said Act, and of the several Acts amending the same, and of this Act.

As to new Unions.

III. And be it enacted, That if upon the Formation of any new Union it shall appear to the said Commissioners expedient that until sufficient Workhouse Accommodation shall be provided for such Union, either by the Erection of a new Workhouse or by the Adaptation of any existing Buildings for such Purpose, a Portion of the Workhouse Accommodation existing in the Union or Unions of which any Portion of such new Union shall have previously formed a Part should, for a limited Time, be reserved for such Portion of the new Union, it shall be lawful for the said Commissioners to make such Order under their Seal as to them shall appear necessary for appropriating any Part of the Workhouse Accommodation of such Union or Unions for the Use of such Portion of the new Union as aforesaid, and to make such Regulations for the Government of such Workhouses, and for the Admission and Discharge of Paupers therefrom, for any Period not exceeding Three Years from the Formation of such new Union, as under the Circumstances they may think proper; and it shall be lawful for the Guardians of such new Union to make Order for the Admission of any Paupers chargeable to such new Union, or to any Electoral Division thereof, into any Workhouses to which such Order of the said Commissioners shall apply, and for their Discharge therefrom, in such Numbers and according to such Regulations as shall or may from Time to Time be prescribed by the said Commissioners, and to provide for the Conveyance of such Paupers to or from such Workhouses; and such Orders of Admission or Discharge, made by such Guardians according to the Regulations prescribed as aforesaid, shall be binding on the Guardians of the Unions in which the Workhouses are situate, and on their Officers; and it shall be lawful for the said Commissioners, and they are hereby empowered, from Time to Time to fix and determine the Sum which shall be paid by such new Union or any Part thereof for the Maintenance and Clothing of the Paupers chargeable to such new Union or any Part thereof, and the Proportion of the Establishment Charges which shall be paid for the Accommodation reserved in such Workhouse, and, subject to the Provisions herein-before in this Act mentioned, shall make Order for the Payment of such Sum on the Guardians of such new Union, specifying the Periods at which such Payments shall be made, either wholly or in part; and the said Commissioners may, at their Discretion, from Time to Time suspend, alter, or rescind such Orders and Regulations aforesaid or any of them: Provided always, that if any Pauper who shall have been sent to any Workhouse as aforesaid situate out of the Union to which or to any Electoral Division of which such Pauper is chargeable

chargeable shall be discharged therefrom, either by Order of the Guardians or at his own Request, and shall become destitute in the Union in which such Workhouse is situate, within Twelve Calendar Months from his Discharge, the Expense of his Maintenance in such Workhouse shall be chargeable against the Union or Electoral Division from whence he was originally sent.

Enforcing Payment of Expenses of Unions.

IV. And be it enacted, That if the Guardians of any such new Union shall refuse or neglect to make the Payments according to the Terms and at the Periods prescribed by the said Commissioners as aforesaid, it shall be lawful for the said Commissioners to make an Order under their Seal, requiring such Payments to be made by the Treasurer of such new Union, and thereupon the Treasurer of such new Union shall pay to the Treasurer of the Union in whose Behalf such Order shall have been made the Sums specified in the Order of the Commissioners, at such Times and in such Portions as shall be prescribed by such Order, and the Receipt of the Treasurer appointed in such Order to receive the Payments prescribed shall be sufficient Discharge to the Treasurer of such new Union for so much Money paid by him, and shall be allowed in auditing and passing his Accounts.

8 & 9 Vict. c. 18. incorporated with this Act for Purchase of Lands for Workhouses.

V. And be it enacted, That in order to enable the said Commissioners for administering the Laws for the Relief of the Poor in *Ireland* to purchase and hire such Lands, Tenements, and Hereditaments as they are by Law authorized to purchase and hire for the Purpose of providing Workhouses in Unions, the Lands Clauses Consolidation Act, 1845, shall be incorporated with the said recited Act of the Second Year of the Reign of Her present Majesty, and the Acts amending the same, and this Act; provided always, that all Things by the said first-mentioned Act required or authorized to be done by the Promoters of the Undertaking may be done by any Two of the said Commissioners under their Hand and Seal.

Qualification of Guardians may be different in different Electoral Divisions.

VI. And whereas by the said recited Act the said Commissioners were empowered to fix the Value of the Qualification of Persons eligible to serve as Guardians of the Poor, but were not empowered to fix a different Qualification in Value for different Electoral Divisions in the same Union: Be it enacted, That it shall be lawful for the said Commissioners, in fixing the Qualification of Guardians as aforesaid, to fix a different Value, if they shall see fit, for different Electoral Divisions of the same Union, anything in the said recited Act to the contrary notwithstanding.

Non-resident Justices may act as Guar-

VII. And be it enacted, That from and after the passing of this Act, in any Union in which the Number of qualified Justices shall on



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the Twenty-ninth Day of *September* in any Year not be equal to the Number of elected Guardians, every Justice of the Peace acting for any County in *Ireland*, and otherwise qualified under the Laws now in force to be an *ex-officio* Guardian of any Union within such County, and who shall be seised, possessed, or entitled for his own Use and Benefit of or to any Lands, Tenements, or Hereditaments situate within such Union, or in the Rents and Profits thereof for any Life or Lives in being, or for any Term of Twenty-one Years at the least, such Estate being of the yearly Value of Fifty Pounds at the least, shall, for the Year next following such Twenty-ninth Day of *September* as aforesaid, be an *ex-officio* Guardian of such Union, notwithstanding that such Justice shall not be resident within the same; provided that when the Number of Justices so qualified as is herein-before provided shall make the entire Number of qualified Justices exceed the Number of elected Guardians, such only of the highest rated Justices, so qualified as aforesaid, shall be entitled to act as *ex-officio* Guardians for such Year as aforesaid as shall make the whole Number of *ex-officio* Guardians equal to the Number of elected Guardians; provided also, that any Justice becoming qualified to act as an *ex-officio* Guardian after the Twenty-ninth Day of *September* in any Year shall not be entitled so to act until the Twenty-ninth Day of *September* following, if by his so acting the Number of *ex-officio* be made to exceed the Number of elected Guardians in the Union, but otherwise he shall be at once entitled so to act.

dians in certain Cases.

VIII. And be it enacted, That it shall be lawful for the Poor Law Commissioners, as and when they shall see fit, by Order under their Seal, to combine Two or more Electoral Divisions of a Union into One District, for the Purpose of electing One Guardian for such District, anything in the said recited Act passed in the Second Year of the Reign of Her present Majesty to the contrary notwithstanding; and all the Provisions of the said Act, and of the said Acts amending the same, which relate to the Election of Guardians, shall apply to the Election of a Guardian for such District of Electoral Divisions, in the same Manner as if such District were a single Electoral Division formed under the Provisions of the said recited Act for the Election of a Guardian or Guardians; provided always, that no such District shall be formed for the Election of more than One Guardian.

Electoral Divisions may be united for the Purpose of electing a Guardian.

IX. And be it enacted, That it shall and may be lawful for the Poor Law Commissioners, if they shall think fit, upon the Request of the Board of Guardians of any Union, to appoint One fitting and proper Person to act as Assistant Guardian for the Union so applying, in the Execution of the Duty of Guardian for the Union

Appointment of Assistant Guardians.

to which he may be appointed, in the same Manner in all respects as if such Assistant Guardian were an *ex-officio* or elected Guardian for such Union; and the Poor Law Commissioners shall be authorized to remove such Assistant Guardian, and to appoint another from Time to Time, and, if they shall think fit, to discontinue such Appointment altogether whensoever they may consider it to be expedient to do so.

Rents arising out of exempted Property to be rated.

X. And whereas Doubts have arisen whether, under the Provisions of the said recited Act, Persons in the Receipt of Rent in respect of Hereditaments used for charitable or public Purposes are rateable in respect of the Profits derived from such Hereditaments: Be it enacted, That in every Rate which shall be made for the Relief of the Poor after the passing of this Act every Person receiving Rent in respect of any Hereditament exempt from rating under the Provisions of the said recited Act shall be liable to be rated in respect of such Rent to the Extent of One Half the Poundage of every Rate which shall be made in or for the Electoral Division in which such Hereditaments shall be situate, and the Amount thereof shall be recoverable from such Person by any of the Means by which the Rates in respect of Tenements rated under the yearly Value of Four Pounds may be recovered directly from the Lessors thereof under the Provisions of an Act passed in the Seventh Year of the Reign of Her Majesty, intituled *An Act for the further Amendment of an Act for the more effectual Relief of the destitute Poor in* Ireland, as amended by this Act.

6 & 7 Vict. c. 92.

Occupier not to deduct from Rent more than One Half the Amount of the Rate paid.

XI. And whereas by the said recited Act it is provided, that where the Person occupying any Property rated to the Relief of the Poor shall be liable to pay a Rent in respect of the same he may deduct from such Rent, for each Pound of the Rent which he shall be so liable to pay, One Half of the Sum which he shall have paid as Rate in respect of each Pound of the net annual Value (whether such Rent shall be greater or less than such annual Value), and so in proportion for any less Sum than a Pound; and it is expedient to amend the said Provision: Be it enacted, That in making a Deduction from such Rent on account of any Rate which shall be made after the passing of this Act it shall not be lawful for any Occupier of Property rated in or paying such Rate to deduct from the Rent payable in respect thereof a larger Sum than One Half the Amount of the Rate which he shall have paid in respect of such Property, anything in the said Act to the contrary notwithstanding.

Repeal of 1 & 2 Vict. c. 56. as to foregoing

XII. And be it enacted, That so much of an Act passed in the Second Year of Her present Majesty's Reign, intituled *An Act for the more effectual Relief of the destitute Poor in* Ireland, as enacts "that

" that any Covenant or Agreement whereby any Person liable to " pay Rent, and entitled under the Provisions of this Act to deduct " therefrom any Rate or Portion of Rate, shall have covenanted or " agreed, or shall hereafter covenant or agree, to forego such Deduction, " shall, so far as such Rate is concerned, be of no effect," be repealed, except as to any Covenant or Agreement entered into or made before the passing of this Act.

Deductions from Rent.

XIII. And whereas Doubts have arisen, under the Provisions of an Act passed in the Seventh Year of the Reign of Her present Majesty, intituled *An Act for the further Amendment of an Act for the more effectual Relief of the destitute Poor in* Ireland, whether a Rate for the Relief of the Poor can legally be made in pursuance of a Valuation not signed and sealed by the Commissioners for administering the Laws for Relief of the Poor in *Ireland;* and it is expedient to remove such Doubts: Be it declared and enacted, That it is not and shall not be necessary for the said Commissioners to sign and seal any Valuation whatever, unless they shall see fit so to do; and any Valuation duly made and revised in pursuance of the Acts herein-before recited, whether it be signed and sealed by the said Commissioners or not, shall be deemed to be the Valuation in force for the Time being, anything in the said last-recited Act to the contrary notwithstanding.

Valuation for Poor Rates need not be signed and sealed by the Commissioners. 6 & 7 Vict. c. 92.

XIV. And whereas it is expedient to encourage the Employment of Labour in improving the Value of Landed Property in *Ireland:* Be it enacted, That from and after the passing of this Act, in any Valuation or Revision of Valuation of rateable Property, it shall not be lawful for any Board of Guardians, Valuator or Revisor of Valuation, or for any Court of Quarter Sessions, to which Appeal in such Behalf may be made, to increase or to direct any Increase to be made in the Valuation of the net annual Value of any Land rateable to the Relief of the Poor by reason of any Increase of the Value thereof arising from any Drainage, Reclamation, or Embankment from the Sea or any Lake or River, or any Erection of Farm Buildings, or any permanent Agricultural Improvement as specified under the Provisions of an Act passed in the Session of Parliament held in the Tenth and Eleventh Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland, made or executed thereon within Seven Years next before the making of such Valuation or Revision.

Valuation of Land not to be increased in respect of Improvements made under 10 & 11 Vict. c. 32. within Seven Years.

XV. And be it enacted, That when any Action or Suit shall be brought by the Guardians of the Poor of any Union for Poor Rates in any of the Superior Courts of Law in *Dublin*, such Action or Suit shall

Short Form of Declaration in an Action for Poor Rates.

shall be an Action of Assumpsit or Debt, and it shall be a sufficient Statement of the Cause of Action in the Declaration to declare for the Amount of such Poor Rate as due by the Defendant to the Plaintiffs, according to the Form, as near as may be, of the usual common Indebitatus Counts in Assumpsit, or the common Counts in an Action of Debt, or as near as may be to the like Effect, without further setting forth the Cause of Action; and if the Declaration in any such Action or Suit shall exceed the Length necessary for declaring in such Manner or Form as aforesaid, no Costs of the Excess shall be allowed to the Plaintiffs if they succeed in the Cause, and such Costs of the Excess as have been incurred by the Defendant or Defendants shall be taxed and allowed to the Defendant or Defendants, and be deducted from the Costs allowed to the Plaintiffs.

The Judges may make Rules and Orders relating thereto.

XVI. And be it enacted, That it shall be lawful for the Judges of the Courts of Queen's Bench, Common Pleas, and Exchequer in *Ireland*, jointly, or any Nine or more of them, including the Chief of each such Court, to make General Rules and Orders for regulating the Practice and Proceedings of all the said Courts relating to the Pleadings and Costs in such Actions and Suits for Poor Rate as aforesaid, which said Rules and Orders so made shall be observed in all the said Courts: Provided always, that until the making of any such Rules or Orders, or so far as the same may not extend, the Declaration in any such Action for Poor Rates may be framed in manner herein-before provided, or to the like Effect.

Civil Bill Decree for Poor Rates may be filed as Judgment of Superior Court, and have Force as such.

XVII. And whereas it is expedient to make a further and more secure Provision for the Recovery of Poor Rates in *Ireland*: Be it therefore enacted, That all Civil Bill Decrees for the Recovery of Poor Rate pronounced or made by any Assistant Barrister in *Ireland*, or by the Chairman of the Sessions of the Peace of the County of *Dublin*, or by the Recorder of the City of *Dublin*, shall, from and after the passing of this Act, be removable into any of Her Majesty's Superior Courts of Law in *Dublin*, without any Writ of Certiorari or other Writ or Process for that Purpose; and that upon the Production of such Civil Bill Decree to the Master of any such Superior Court of Law, and upon Production of an Affidavit made by an Attorney of such Superior Court, verifying the Signature of such Assistant Barrister, Chairman, or Recorder to such Civil Bill Decree, and upon Payment of a Fee of Two Shillings to such Master, he shall receive and file the said Decree upon a File to be kept for that Purpose, and shall enter the same in a Book to be kept for that Purpose, which shall be open to Inspection; and that immediately upon the filing of such Decree as aforesaid such Decree shall, with respect to all Lands of the Person against whom such Judgment or Civil Bill Decree shall have

have been obtained situate within the Union where such Poor Rate shall have accrued, be deemed a Record of such Superior Court, and shall be of the same Force and Effect as a Judgment recovered in such Superior Court, and Execution and all other Proceedings shall and may be had and taken thereupon, or by reason or in consequence thereof, as if such Decree had been originally a Judgment of such Superior Court; and such Decree may be registered in the Office of the Registrar of Judgments in like Manner as a Judgment of any such Superior Court.

Judgments for Poor Rates to have Priority, except in certain Cases.

XVIII. And be it enacted, That every Judgment obtained in any Action or Suit in any Superior Court of Law against any Person or Persons for Poor Rates, and every Civil Bill Decree for Poor Rates filed in a Superior Court as herein-before provided, shall, when the same shall have been registered in the Office of the Registrar of Judgments, be a Charge, and take Priority as a Charge, on all the Estate and Interest in any Lands of the Person against whom such Judgment or Civil Bill Decree shall have been obtained situate within the Union wherein such Poor Rates shall have accrued, before all Charges and Incumbrances whatsoever, and wheresoever made, save and except Crown Rents and Quit Rents, Rent-charges in lieu of Tithes, and all Charges (if any) existing under and by virtue of an Act passed in the Sixth Year of the Reign of Her present Majesty, intituled *An Act to promote the Drainage of Lands, and Improvement of Navigation and Water Power in connexion with such Drainage, in* Ireland, and Two other Acts since passed amending the same, and all Charges (if any) existing under and by virtue of an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled *An Act to facilitate the Improvement of Landed Property in* Ireland.

5 & 6 Vict. c. 89.

10 & 11 Vict. c. 32.

Recovery of Arrears of Rates.

XIX. And be it enacted, That when any Rate for the Relief of the Poor shall be made after the passing of this Act, it shall not be lawful to commence any Proceeding for the Recovery of any Arrear thereof against any Person not primarily liable to pay the same, unless within the Period of Two Years next after the making and publishing of the said Rate.

Audit.

XX. And for the Purpose of giving better Effect to the Audit of the Accounts of the several Guardians of the Poor throughout *Ireland*, be it enacted, That to the annual Reports required to be laid before Parliament there shall be appended a Statement of the Date up to which the several Accounts of the Unions shall have been closed and audited, together with a Statement of all such Charges and Payments disallowed, struck out, reduced, or inserted by such Auditor, and of the

Steps taken at Law for the Recovery of the same, or the Enforcement of any Disallowance, Surcharge, or other Demand founded on the Auditor's Report, from any Guardian, Treasurer, or other Person having the Control of the Poor Rate, or any Part thereof, or being accountable for any Balances or any Sums applicable for the Relief of the Poor, and the Amount of such Disallowances, Surcharges, or Balances which have been recovered and paid into the Hands of the Treasurer of the Union.

Rate Books to be open for Inspection: whose Names to be inserted therein.

XXI. And be it enacted, That the Guardians of the Poor of the several Unions shall, before the making of every Rate, leave the Rate Books open for the Inspection of any Rate-payer between the Hours of Ten in the Forenoon and Four in the Afternoon during Fourteen Days at the least before the making of every such Rate, and that such Guardians shall give the same public Notice of the Deposit of such Rate Books for Inspection as they are now required to give in relation to the making of such Rates, and that in all Cases the Names of Occupiers for whom the immediate Lessor is primarily liable for the Payment of Rate shall be inserted in the Rate Book.

Appeal against Rates.

XXII. And be it enacted, That for the Purpose of giving due Facility of Appeal against the said Rates it shall and may be lawful for the known Agent of any Appellant, appointed in like Manner as a Proxy is appointed for voting in the Election of Guardians, to sign the Notices and enter into the Recognizances required by Law in Cases of Appeal, which Notices and Recognizances, so signed as aforesaid, shall be in all respects as good and effectual in Law as if signed by the Appellant in Person.

Recognizances to try Appeals under recited Act.

XXIII. And whereas by the said recited Act passed in the Second Year of the Reign of Her present Majesty it is, amongst other things, enacted, that within Five Days after Notice given of an Appeal to the Quarter Sessions the Person or Persons appealing shall enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the then next Sessions of the Peace to be held in the Presence of the Assistant Barrister, and to abide the Order of and pay such Costs as shall be awarded by the Justices and Assistant Barrister at such Sessions: And whereas it is expedient to repeal the said Provision, and to substitute another Provision in lieu thereof: Be it therefore enacted, That within Five Days after Notice given of any such Appeal as in the said recited Act or any Act amending the same provided, the Person or Persons appealing shall enter into a Recognizance before some Justice of the Peace, with sufficient Securities, conditioned to try such Appeal at the Sessions of the Peace to which such Person or Persons shall have so appealed, and to abide the Order

Order of and to pay such Costs as shall be awarded by the Court at such Sessions.

XXIV. And be it enacted, That the Board of Guardians of each Union shall cause the Names of all Persons relieved out of the Poor Rates to be duly entered in Books to be kept, One for the Union at large and One for each Electoral Division, and under the Heads of the Townlands in which they are stated to have last resided, and such Books shall be open to the Inspection of all Persons assessed to the Poor Rate within the Union from Ten o'Clock in the Forenoon until Four o'Clock in the Afternoon on One Day at least in each Week.

Account of Persons relieved to be kept.

XXV. And be it enacted, That on each *Saturday* the Board of Guardians of every Union shall cause a Statement to be prepared and posted on the Door of the Poorhouse, showing the Number of Persons who shall have received Relief in such Union during the Seven Days then next preceding, and further showing the Number of Persons chargeable against the Union at large and against each separate Electoral Division.

Numbers relieved to be published.

XXVI. And be it enacted, That, for the Purposes of defraying or assisting to defray the Expenses of the Emigration of poor Persons resident within any Union or Electoral Division, it shall be lawful for the Guardians of such Union, with the Consent of the Commissioners, to be testified under their Seal, or for the Persons for the Time being appointed or authorized to act as Guardians of such Union, with such Consent and so testified as aforesaid, to apply any Monies in their Hands arising from any Rate or Rates on any Electoral Division or Divisions in defraying or assisting to defray the Expenses of the Emigration of poor Persons resident therein respectively, or to borrow and obtain from Time to Time any Sums or Sum of Money from any Person or Persons willing to advance the same, or from the Exchequer Bill Loan Commissioners, upon the Security of the Rates of such Union, or of any Electoral Division or Divisions thereof, on the Terms and subject to the Provisions herein-after mentioned: Provided always, that no such Sums or Sum of Money shall be advanced by the said Exchequer Bill Loan Commissioners unless with the Consent of the Commissioners of Her Majesty's Treasury: Provided also, that it shall not be lawful for any paid Officers appointed to act as Guardians by the said Commissioners to exercise the said Power of applying or borrowing Money for the Purpose of Emigration without the Consent of a Majority in Value of the Rate-payers of the Electoral Division or Divisions to be charged therewith, assembled in the Manner provided

Expenses of Emigration.

vided by the said recited Act of the Second Year of the Reign of Her present Majesty, for the Purpose of agreeing to and signing an Application to the said Commissioners for the raising of a Rate to assist Emigration.

Security for Repayment of Money borrowed for Emigration, and restricting Amount to be borrowed.

XXVII. And be it enacted, That the Repayment of all and every such Sums and Sum of Money so borrowed shall be from Time to Time secured by a Charge on the said Rates respectively by a Debenture, made out in such Form as the Poor Law Commissioners shall direct, under the Seal of such Guardians or Persons, as the Case shall require, which shall carry Interest after such Rate or Rates as in every such Charge shall be specified; and that every Person having any Right or Interest to, in, or under any such Charge (save only and except the said Exchequer Bill Loan Commissioners) may from Time to Time, by Endorsement thereon or otherwise, assign his or her said Right or Interest therein to any other Person or Persons, upon first giving Notice in Writing of such Assignment to the Guardians or Persons appointed or authorized to act as Guardians of the said Union, and that thereupon such Assignee or Assignees, and his or their Representatives or Assigns, shall be entitled to stand in the Place of the Person assigning the same, and in respect of such Right or Interest: Provided always, that the Sums or Sum of Money so to be borrowed and charged upon any Electoral Division or Divisions as aforesaid, and remaining outstanding and unpaid in respect of the Emigration of poor Persons resident or relievable within any such Electoral Division or Electoral Divisions respectively, shall never exceed in the whole the Amount or Proportion of Eleven Shillings and Eight-pence in the Pound of the clear yearly Value of the rateable Property situate or arising within the Electoral Division or respective Divisions the Rates whereof shall have been so charged with the Repayment thereof, and that any Sum or Sums of Money so borrowed and charged upon the Union at large as aforesaid, and remaining outstanding and unpaid in respect of the Emigration of poor Persons resident in and relievable by the Union at large, shall never exceed in the whole the Amount or Proportion of Two Shillings and Four-pence in the Pound of the clear yearly Value of the rateable Property situate or arising within such Union; and the Sums or Sum of Money so to be borrowed shall be repaid by annual Instalments, each Instalment being not less than One Seventh Part of such Sums or Sum respectively, and the first of such Instalments to be so repaid at or before the End of One Twelvemonth next after the Day whereon such Sums or Sum shall have been first advanced, and that for the Purposes aforesaid it shall be lawful for the Guardians or Persons appointed or authorized to act as Guardians

dians of such Union to provide for the Repayment of such annual Instalments out of the Rate or Rates levied in the said Union under the Authority of the Acts for the Relief of the Poor in *Ireland.*

Application of Money raised for Emigration.

XXVIII. And be it enacted, That all and every the Sums and Sum of Money so to be borrowed and charged as aforesaid shall be from Time to Time applied, under the Direction of the said Commissioners, by the Guardians or Persons appointed or authorized to act as Guardians of the Union borrowing the same, in defraying or assisting to defray the Expenses connected with the Emigration of poor Persons resident or relievable within the respective Electoral Divisions or Division on the Rates whereof the same respectively shall have been so charged, or resident in and relievable by the Union at large on the Rates whereof any such Charge on the Union at large shall have been so charged, to any of the Colonies or Possessions of this Realm, or to any Foreign State, and that it shall not be lawful for any Person acting in the Execution of this Act to apply or expend any such Sums or Sum, or any Part thereof, in any other Manner or for any other Purpose whatsoever.

In Proceedings at Quarter Sessions, Assistant Barrister may correct Errors, &c.

XXIX. And be it enacted, That for the Purpose of facilitating and rendering more effectual all legal Proceedings of Quarter Sessions or before any Assistant Barrister in *Ireland*, or before the Chairman of the Sessions of the Peace of the County of *Dublin*, or before the Recorder of the City of *Dublin*, in anyways relating to the Collection or Recovery of Poor's Rate, or relating to Appeals or other Proceedings respecting rating, it shall and may be lawful for such Assistant Barrister, Chairman, or Recorder, if he shall so think fit, to correct or amend any Variance, clerical Error, or Irregularity not affecting the substantial Merits of the Question to be tried, and which may be found in the Notices, Recognizances, Processes, Decrees, or other Forms or Instruments of a like Kind brought before him in relation to this Act or the Acts herein-before recited.

Superior Courts.

XXX. And be it enacted, That in any Case in which it may be necessary to institute Proceedings by Civil Bill before any Assistant Barrister in *Ireland*, or before the Chairman of the Sessions of the Peace of the County of *Dublin*, or before the Recorder of the City of *Dublin*, against any immediate Lessor primarily liable to the Payment of Rates for Premises the Occupier of which is exempted from such Payment, it shall be lawful for the Guardians of the Poor to institute such Proceedings before the Assistant Barrister for the County wherein the rated Premises are situated, and in the Division thereof wherein the same are situate; and in case the said rated Premises are situated within the County of *Dublin*, or within the City

of *Dublin*, then before the Chairman of the Sessions of the Peace of the County of *Dublin*, or the Recorder of the City of *Dublin*, (as the Case may be,) first giving to such immediate Lessor, or to his known Agent or Receiver of his Rents, Fourteen Days Notice of the Proceeding about to be taken against him as aforesaid, by Service of Process; and the Service of Process in such Civil Bill on such immediate Lessor, his known Agent or Receiver, at any Place out of such Division and County, or at any Place out of the said County of *Dublin* or City of *Dublin*, shall be as effectual as a Service of the same upon such Lessor within such Division or within the said County of *Dublin* or City of *Dublin*.

Recited Act 1 & 2 Vict. c. 56. &c. and this Act to be construed together.

XXXI. And be it enacted, That the said recited Act of the Second Year of Her Majesty's Reign, and the Acts amending the same, and this Act, shall be construed as One Act.

Act may be amended, &c.

XXXII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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Rent, of such Amount as herein-after mentioned, to be charged upon such Lands, and to be payable on the same Days and Times as the yearly Rent made payable by such Lease, and subject to the like Covenants and Conditions for securing the Payment of such Fee-farm Rent as are contained in such Lease with respect to the Rent thereby reserved, and with and subject to such other Covenants, Conditions, Exceptions, and Reservations (save Covenants to grant or to accept and take a Renewal of such Lease, and such Covenants, Conditions, Exceptions, and Reservations as may be commuted as herein-after mentioned,) as are contained in such Lease, and then subsisting; and where Lands in *Ireland* are held under any Under-lease in Perpetuity of any Degree of Tenure, the Owner of such Under-lease, at any Time after the passing of this Act, and whether the Time for Renewal has or has not arrived, may require the Owner of the Lease or Under-lease in Perpetuity out of which such first-mentioned Under-lease is derived, or the Owner of the Estate of Inheritance which may have been granted in respect of the Lease or Under-lease out of which such first-mentioned Under-lease is derived, to execute a Grant, according to the Provisions of this Act, of the Lands comprised in such first-mentioned Under-lease; and the Owner so required shall thereupon execute a Grant to the Owner of such Under-lease of an Estate of Inheritance in Fee Simple in such Lands, subject to a perpetual yearly Fee-farm Rent, of such Amount as herein-after mentioned, to be charged upon such Lands, and to be payable on the same Days and Times as the yearly Rent made payable by such Under-lease, and subject to the like Covenants and Conditions for securing such Fee-farm Rent as are contained in such Under-lease with respect to the Rent thereby reserved, and subject to such other Covenants, Conditions, Exceptions, and Reservations (save Covenants to grant or to accept and take a Renewal of such Lease, and such Covenants, Conditions, Exceptions, and Reservations as may be commuted as herein-after mentioned) as are contained in such Under-lease, and then subsisting; and upon the Delivery of every such Grant as aforesaid to the Owner requiring the same, he shall execute and deliver to the Owner executing such Grant a Counterpart thereof; and the Expense of the Preparation and Execution of such Grant and Counterpart shall be paid by the Owner to whom the Grant is made: Provided always, that the Owner required to make any such Grant as aforesaid shall not be obliged to execute such Grant until, where the Time for Renewal of the Lease or Under-lease by the Owner of which the Grant is required has not arrived, all such Arrears or Sums, if any, of or in respect of Rent as, if the Time had arrived for Renewal of such Lease or Under-lease and a Bill had been filed for the Renewal thereof, would have been required by a Court of Equity to be paid on such Renewal, and where the Time for Renewal of such Lease or Under-lease has arrived, or where there has

has not been a Renewal of such Lease or Under-lease at or after the Time at which the same might have been last renewed according to the Covenant for Renewal, all such Arrears or Sums, if any, of or in respect of Rent, and also all such Fines and Fees, if any, and Interest as would have been required by a Court of Equity to be paid on Renewal of such Lease or Under-lease are paid: Provided also, that no Owner required to execute any such Grant as aforesaid shall be obliged to execute such Grant where the Right of Renewal is lost both at Law and in Equity; and where any Owner required to execute any such Grant as aforesaid disputes the Right of the Party requiring such Grant to require the Execution of such Grant, such Owner shall, within One Calendar Month after he is so required as aforesaid, serve on the Person by whom such Grant has been required a Notice in Writing stating that the Right to require such Grant is disputed, and the Grounds on which such Right is so disputed.

Grant not to be required where Right of Renewal is lost.

Notice of the Dispute of the Right to be given.

II. And be it enacted, That the Fee-farm Rent to be made payable by every such Grant as aforesaid shall, where the Lease or Under-lease (as the Case may be) to the Owner of which the Grant is made is renewable without Fine, or upon Payment of a Peppercorn or other merely nominal Fine of like Nature, be of the like Amount as the yearly Rent made payable by such Lease or Under-lease, and shall, where such Lease or Under-lease is renewable upon Payment of a Fine or Fines not merely nominal, be of an Amount equal to the aggregate Amount of the yearly Rent made payable by such Lease or Under-lease, and the Value of the Renewal Fine or Fines and Fees (if any), such Value to be estimated or computed with regard to the probable Duration of the subsisting Term, the average Duration of Life, and the respective Periods for Renewal, but without regard to and exclusively of any penal Rents or Sums made payable upon Neglect, Delay, or Refusal to apply for or take Renewal, and to be ascertained as herein-after mentioned if the Parties differ about the same.

Amount of Fee-farm Rent.

III. And be it enacted, That where any subsisting Exception or Reservation contained in the Lease or Under-lease in Perpetuity by the Owner of which a Grant is required as aforesaid, or any Right under Covenant or otherwise annexed or belonging to the Reversion or Estate from the Owner of which a Grant is required, interferes with the proper Cultivation of the Lands comprised in such Lease or Under-lease, the Owner of such Lease or Under-lease requiring such Grant as aforesaid may (if he think fit) require that such Exception, Reservation, or Right should cease, wholly or partially, and in such Case the Grant shall be modified accordingly, and the Fee-farm Rent to be made payable by such Grant shall be increased by such an Amount as is equivalent to the Value of such Exception, Reservation or Right, in so far as it is made to cease as aforesaid, such Amount to

Lessee or Under-lessee may require Exceptions, &c. interfering with Cultivation to be commuted.

to be ascertained in manner herein-after mentioned, in case the Parties differ about the same.

Certain Rights not to be commuted but with Consent.

IV. Provided always, and be it enacted, That where any Right to Timber, Timber Trees or other Trees, Woods, Underwood, or underground Woods, Bogs, Mosses, Turbaries, Mines, Minerals, Quarries, or Royalties, whether under express Exception or Reservation contained in the Lease or Under-lease in Perpetuity or otherwise, is annexed to or belongs to the Reversion or Estate from the Owner of which a Grant is required, it shall not be lawful for the Owner of the Lease or Under-lease in Perpetuity requiring the Grant to require that such Right should cease, either wholly or partially, but in every such Case the Owner of the Reversion or Estate from the Owner of which the Grant is required and the Owner of the Lease or Under-lease requiring the Grant may agree that such Right should cease or pass under the Grant, either wholly or partially, and in such Case the Grant shall be modified accordingly, and the yearly Fee-farm Rent to be made payable by such Grant shall be increased by such an Amount as is equivalent to the Value of such Right, so far as it is made to cease or pass as aforesaid.

Compensation where there is a Loss on the Conversion of the Reversion into a Rent.

V. Provided also, and be it enacted, That where the Estate into which the Reversion from the Owner of which a Grant is required as aforesaid would be converted upon such Grant under the Provisions herein-before contained would not afford full Compensation for the Loss of such Reversion, or of any Power, Benefit, or Advantage incident thereto, or exercised or enjoyed by or on behalf of the Owner thereof under any local or personal Act of Parliament, Charter, Settlement, or otherwise, the Owner of such Reversion may require such Loss to be compensated by such an Addition in respect thereof to the Fee-farm Rent to be made payable under such Grant, or, at the Option of the Owner of such Reversion, by the Payment of such a gross Sum of Money, (the Amount in either Case to be ascertained as herein-after mentioned in case the Parties differ about the same,) as will afford a full Compensation for such Loss, to be estimated according to the Difference in Marketable Value; and where upon a Grant made or to be made under this Act to the Owner of a Lease in Perpetuity such Addition or Payment as aforesaid has been made or may be required to be made, the Owner of such Lease, or of the Estate into which the same has been converted under this Act, upon being required to make a Grant under this Act to the Owner of an Under-lease in Perpetuity derived out of such Lease, may require an Addition to be made to the Fee-farm Rent to be made payable under such last-mentioned Grant, or the Payment of a gross Sum of Money of the like or a proportionate Amount (as the Case may require); and in like Manner where upon a Grant made or to be made under this Act to the Owner of any Under-

Under-lease in Perpetuity an Addition to the Fee-farm Rent payable under such Grant, or the Payment of a gross Sum of Money has been made or may be required to be made under this Provision, the Owner of such Under-lease, or of the Estate into which the same has been converted, may require an Addition to be made to the Fee-farm Rent to be made payable on any Grant which he may be required to execute to the Owner of any inferior Under-lease, or the Payment of a gross Sum of Money of the like or a proportionate Amount (as the Case may require).

By Consent a Portion of the Lands comprised in Lease, &c. may be allocated in lieu of Fee-farm Rent, or the Fee-farm Rent may be charged on Part only of such Lands.

VI. And be it enacted, That, where the Owner required to execute such Grant as aforesaid and the Owner requiring the same shall so agree, a Part of the Lands comprised in the Lease or Under-lease by the Owner of which such Grant is required, and not comprised in any inferior Under-lease in Perpetuity, may be allocated in Fee Simple in lieu of the Fee-farm Rent which would have been made payable by such Grant or of any Portion thereof, or such Fee-farm Rent or any Portion thereof in lieu of which Land is not allocated as aforesaid may be made payable out of any sufficient Part only, to be specified in the Grant, of the Lands comprised in such Lease or Under-lease, and the Residue of the Lands shall be discharged therefrom; and where Land is allocated as aforesaid the same shall by the same Grant be conveyed or surrendered by the Owner of the Lease or Under-lease to the Owner to whom the Fee-farm Rent in lieu of which or of a Portion of which the same is allocated would have been payable.

Grants valid against all Parties.

VII. And be it enacted, That from and after the Execution of such Grant to the Owner of a Lease in Perpetuity, or to the Owner of an Under-lease in Perpetuity, as aforesaid, such Grant shall, where such Grant is made to the Owner of a Lease in Perpetuity, bind all Persons interested in the Reversion and in such Lease, and all Persons bound by such Lease, and such Reversion shall be converted into an Estate of Inheritance in Fee Simple in the Fee-farm Rent made payable by such Grant, and the Conditions, Exceptions, and Reservations therein contained, and all Rights annexed or belonging to such Reversion, saved by and not commuted under this Act; and such Grant shall, where such Grant is made to the Owner of an Under-lease in Perpetuity, bind all Persons interested in the Lease or superior Under-lease, or the Estate of Inheritance granted in respect thereof by the Owner of which the Grant is made, and in the Under-lease to the Owner of which the Grant is made, and all Persons bound by such Under-lease; and the Estate held under such Lease or superior Under-lease, or such Estate of Inheritance as aforesaid, shall be converted into an Estate of Inheritance in Fee Simple in the Fee-farm Rent made payable by such Grant, and the Conditions, Exceptions, and Reservations therein contained, and all Rights annexed or belonging

belonging to the Estate by the Owner of which such Grant is made, saved by and not commuted under this Act; and each such Estate of Inheritance in Fee Simple as aforesaid shall be transmissible and descendible in like Manner as if the same were an Estate of Inheritance in Fee Simple in reversion in the Lands, on which the Fee-farm Rent is charged by the Grant creating the same, having incident thereto the Conditions, Exceptions, and Reservations contained in the same Grant and such Rights respectively as aforesaid; and the Estate of Inheritance created under every such Grant as aforesaid in the Lands comprised therein, save any Part thereof allocated in lieu of a Fee-farm Rent or any Portion thereof under the Provision herein contained, and the Estate of Inheritance so created as aforesaid in the Fee-farm Rent made payable by such Grant, and in any Land so allocated as aforesaid, shall from and after the Execution of such Grant be respectively vested in the same Persons, for the same Estates and Interests, and be respectively subject to the same Uses, Trusts, Provisoes, Agreements, and Declarations, and be respectively charged with and subject to the same Charges, Liens, Judgments, Incumbrances, and Equities, as the Estate held under the Lease or Under-lease in Perpetuity to the Owner of which the Grant is made, and the Reversion or Estate by the Owner of which the Grant is made, were respectively vested in, subject to, and charged with immediately before their Conversion into such respective Estates of Inheritance as aforesaid was effected, or as near thereto as the different Natures of the Estates and the Circumstances of each Case will admit; but all Land allocated as aforesaid shall remain subject to all Demises and Tenancies inferior in Tenure to the Lease or Under-lease by the Owner of which such Land may have been so allocated.

Estates in Fee-farm Rent, &c. to be descendible, &c. as a Reversion.

Estates created under Grants in the Land and Fee-farm Rent to be subject to the old Uses, &c.

Conversion not to revoke testamentary Dispositions.

VIII. And be it enacted, That the Conversion of any Estate under this Act shall not prevent or prejudice the Operation of any Devise, Bequest, or testamentary Appointment, made before such Conversion, of such Estate, or any Interest therein, but such Devise, Bequest, or testamentary Appointment shall operate upon the Estate or Interest created or acquired under this Act, as fully and effectually, to all Intents and Purposes whatever, as the same would have operated upon the respective Estate or Interest previously subsisting if no such Conversion had taken place.

Exception as to Dower and Curtesy.

IX. And be it enacted, That no Conversion under this Act of any Estate shall operate to give Dower or Curtesy to the Widow or Husband of any Person becoming entitled under this Act to an Estate of Inheritance, in any Case where the Estate converted would not have been liable to Dower or Curtesy, and such Widow or Husband was married to such Person before such Conversion, or to defeat or affect any Rights of Lords of Manors or reputed Manors, or of Owners of Reversions in Fee Simple, to Courts Leet or Courts Baron,

Saving of Royalties, &c.

Baron, and Services at the same, Escheats, Fairs, Markets, Franchises, Rights, Liberties, Privileges of Chase or Free Warren, Hunting, Hawking, Fowling, Piscaries, Fisheries and Rights of Fishing, or any Rights in any Mines or Minerals, Quarries, or Royalties within or under the Lands included in any Estate converted under this Act, save in so far as the same may be commuted under this Act.

Covenants running with the Lands.

X. And be it enacted, That all Covenants by Law implied on the Part of Landlord or Tenant upon any Lease or Under-lease in Perpetuity to the Owner of which a Grant is made under this Act shall be implied upon such Grant, and every Covenant for Payment of Rent, and every other Covenant contained in pursuance of this Act in any such Grant as aforesaid, in substitution for a like Covenant in the Lease or Under-lease to the Owner of which such Grant is made, where such last-mentioned Covenant is of such a Nature as that the Burden thereof doth by Law run with the Land, and bind the Assignee of such Lease or Under-lease, and every Covenant implied under this Act upon any such Grant where the Burden of the implied Covenant for which the same is in substitution was upon the Owner of such Lease or Under-lease, shall run with the Estate in Fee Simple into which the Estate held under such Lease or Under-lease is converted under this Act, and the Owner or Assignee for the Time being of such Estate in Fee Simple shall be chargeable upon such Covenants in the same Manner and to the same Extent as if he were Owner or Assignee of the Term or Interest created by such Lease or Under-lease, and such Term or Interest, and the Estate out of which such Lease or Under-lease was derived, were still subsisting, and the Benefit of such Covenants shall run with the Estate into which such Estate is converted under this Act, and the Owner or Assignee for the Time being of the Estate created by such Conversion shall have the full Benefit of such Covenants, and be entitled to maintain Actions thereon; and every Covenant contained in pursuance of this Act in any such Grant as aforesaid, in substitution for a like Covenant in such Lease or Under-lease as aforesaid, where such last-mentioned Covenant is of such a Nature as that the Burden thereof doth by Law run with the Estate out of which such Lease or Under-lease was derived, or bind the Assignee of such Estate, and every Covenant implied under this Act upon any such Grant where the Burden of the implied Covenant for which the same is in substitution was upon the Owner of the Estate out of which such Lease or Under-lease was derived, shall run with the Estate into which such Estate is converted under this Act; and the Owner or Assignee for the Time being of the Estate created by such Conversion shall be chargeable upon such Covenants in the same Manner and to the same Extent as if he were Owner or Assignee of such Estate so converted, and such Estate and

Lease

Lease or Under-lease were still subsisting, and the Benefit of such Covenants shall run with the Estate in Fee Simple into which the Estate held under such Lease or Under-lease is converted under this Act, and the Owner or Assignee for the Time being of such Estate in Fee Simple shall have the full Benefit of such Covenants, and be entitled to maintain Actions thereon.

As to Covenants contained in Leases granted by the Governor &c. of the Irish Society.

XI. And whereas in Leases in Perpetuity granted by the Governor and Assistants of the new Plantation in *Ulster*, within the Realm of *Ireland*, commonly called the *Irish* Society, are contained Covenants for the Decision, by the Award and Order of the said Society, of Questions, Disputes, or Controversies arising between their Tenants or Under-tenants, and for the Protection of certain Fisheries: Be it enacted, That where there is contained in any Grant under this Act made to the Owner of any Lease or Under-lease in Perpetuity a Covenant in substitution for a like Covenant in such Lease or Under-lease, for or concerning the Decision by the said Society of any Question, Dispute, or Controversy, or for or concerning the Protection of any Fishing, or conferring any other Power, Benefit, or Advantage on the said Society, which Covenant did not by Law run with the Land, such Covenant in such Grant shall run with the Land, and the Provisions of this Act shall be applicable thereto in like Manner as if the Covenant for which the same is in substitution did by Law run with the Land.

Conversion of Lessee's or Under-lessee's Interest not to affect Demises made by him.

XII. And be it enacted, That where the Estate held under any Lease or Under-lease in Perpetuity is converted under this Act into an Estate of Inheritance in Fee Simple, and such Estate was immediately before such Conversion subject to any subsisting Under-lease or Demise at Will, or for any greater Interest, the Fee Simple into which such Estate is so converted shall be the Reversion immediately expectant upon such Under-lease or Demise, and the Rents and Services reserved and made payable upon such Under-lease or Demise shall be incident and annexed to such Reversion, and the Covenants and Agreements, whether express or implied, on the Part both of the Landlord and the Tenant, shall run with the Land and with the Reversion respectively, in the same Manner in all respects and to the same Extent as if such Under-lease or Demise had been made by a Person seised in Fee Simple in Possession, and the Estate in Fee Simple created by such Conversion as aforesaid had been the Reversion expectant upon such Under-lease or Demise; and such Conversion shall not prejudice or affect any Right of Distress, Entry, or Action which has accrued in respect of such Under-lease or Demise before such Conversion.

Rights of superior Owner and

XIII. Provided always, and be it enacted, That no Grant made by the Owner of any Lease or Under-lease in Perpetuity under this Act shall

shall prejudice or affect the Rights of the Owner of the Reversion, or of any Lease or Under-lease superior in Tenure, or of the Estates into which they may be respectively converted under this Act, but all Owners, Lessees, Under-lessees, and Occupiers for the Time being of any Land shall have the like Rights and Equities to be discharged of and indemnified against Fee-farm Rents created under this Act as such Owners, Lessees, Under-lessees, and Occupiers respectively would have had in respect of the Rents incident to the several Reversions or Estates converted into such respective Fee-farm Rents; and the Owners for the Time being of all Fee-farm Rents created under this Act shall be subject to and charged with the like Liabilities, and shall have the like Rights and Equities to indemnify and to be indemnified in respect of such Fee-farm Rents respectively, as they would have been subject to and would have had in respect of the Reversions or Estates which have been converted into such respective Fee-farm Rents in case this Act had not been passed.

Right to Indemnification against superior Rents preserved.

XIV. And be it enacted, That where the Owner of any Under-lease in Perpetuity is entitled to require the Owner of the Lease or Superior Under-lease out of which such first-mentioned Under lease is derived to procure a Renewal of such Lease or Superior Under-lease, the Owner of such first-mentioned Under-lease may, at the Time of requiring the Owner of such Lease or Superior Under-lease to execute to him a Grant under this Act, and whether the Time for the Renewal of such Lease or Superior Under-lease has or has not arrived, also require the Owner thereof to procure a like Grant to be made to such Owner by the Owner from whom he is entitled under this Act to require such Grant; and where a Grant has been made under this Act to the Owner of an Under-lease in Perpetuity entitled to require the Owner of the Lease or Superior Under-lease in Perpetuity out of which such first-mentioned Under-lease was derived, to procure a Renewal of such Lease or Superior Under-lease, and the Owner to whom such Grant has been made has not at the Time of requiring such Grants required the Owner of such Lease or Superior Under-lease to procure a like Grant to be made to such Owner, and such Grant has not in fact been made to such Owner, the Owner of the Estate into which the Estate under such first-mentioned Under-lease has been converted shall, at the Time when he might if such last-mentioned Estate had not been converted have required the Owner of such Lease or Superior Under-lease to procure a Renewal thereof, be in like Manner entitled to require such Owner to procure a Grant to be made to him under this Act.

Under-lessee entitled to require his Lessor to obtain Renewal may require him to obtain a Grant.

XV. And be it enacted, That where any Lands comprised in a Lease or Under-lease to the Owner of which a Grant is made under this Act of an Estate of Inheritance are comprised in an Under-lease

Subsequent Grant to Owner of Lease, &c. to feed Grant

previously made by him.

lease in Perpetuity to the Owner of which the Owner of such Lease or first-mentioned Under-lease has previously made a like Grant in such Lands, such first-mentioned Grant shall operate to supply or feed the Grant so previously made and each like Grant (if any) previously made by the Owner of each inferior Under-lease in Perpetuity in the same Lands, or any Part thereof, between which and the secondly before-mentioned Under-lease there is no intermediate Under-lease in Perpetuity subsisting.

Acquisition of Land charged with Fee-farm Rent to operate as Apportionment of Rent.

XVI. And be it enacted, That where any Fee-farm Rent shall be charged upon any Lands by any Grant made under this Act, the Acquisition of a Part of such Lands by the Person entitled to such Fee-farm Rent, whether such Acquisition shall be by Descent, by Purchase, or by Escheat, shall operate so as to extinguish only a proportionate Part of the Rent to which such Person shall be entitled, and the remaining Part of such Rent shall be recoverable out of the Residue of such Lands in the same Manner as the whole Rent would have been recoverable if such Acquisition had not been made; and in such Case such Fee-farm Rent shall be apportioned by the Agreement of the Persons interested, and, in default thereof, according to the relative Amounts of the Value of the Land so acquired and the Value of the Residue of such Lands, in the same Manner as Rent-service is now by Law apportionable upon an Alienation of the Reversion in part of the Lands.

Provision in case Owner is under Disability or abroad.

XVII. And be it enacted, That where the Owner of any Reversion, Lease, Under-lease, or Estate is a Minor, Idiot, Lunatic, Feme Covert, or is not within the United Kingdom, the Guardian, Trustee, Committee of the Estate, Husband, or Attorney respectively of such Owner shall for the Purposes of this Act be substituted in the Place of such Owner, and shall and may execute such Grants and Counterparts, make such Agreements, and do all such other Acts which such Owner, if not under Disability or out of the United Kingdom, should and might have executed, made, and done under this Act.

The Portion added under this Act to any former Rent to be liable to Deduction for Poor Rate.

XVIII And be it enacted, That where any Fee-farm Rent made payable by any Grant under this Act is greater in Amount than the Rent reserved by the Lease or Under-lease in Perpetuity to the Owner of which such Grant is made, the Party paying such Rent shall not be entitled to deduct from the Party receiving the same any Poundage in respect of Poor's Rate from the Portion of such Rent which by virtue of this Act is added to the Amount of Rent previously payable.

Act not to alter Liability to Tithe Rent-charge.

XIX. And be it enacted, That nothing in this Act contained shall be deemed to affect or alter the existing Liability of any Party or Parties

Parties or of any Estate or Interest in respect of the Payment or Deduction of Rent-charge in lieu of Tithe.

Fee-farm Rent recoverable by like Remedies as Rent-service, &c.

XX. And be it enacted, That the Fee-farm Rent made payable by any Grant under this Act, or by any Grant made after the passing of this Act, shall be recoverable by Distress, Ejectment for Nonpayment of Rent, Action of Debt, Covenant, and all other Ways, Means, Remedies, Actions, Suits, or otherwise, by which Rent-service reserved on any Common Lease or Demise for a Life or Lives is or may be by Law recoverable; and all the Enactments relating to Ejectment for Nonpayment of Rent, Distress, or other Remedies for Recovery thereof, shall apply to every such Fee-farm Rent as aforesaid, as fully and effectually as if the same were Rent-service reserved on a Lease for a Life or Lives; and in Proceedings by Ejectment for Nonpayment of such Fee-farm Rent under the Statutes for the Time being in force in *Ireland* in relation to Ejectment for Nonpayment of Rent made applicable under this Act to such Fee-farm Rent as aforesaid, the Receipt of such Fee-farm Rent for Three Years by the Lessor of the Plaintiff, or any Person or Persons through whom he claims, shall have the same Force and Effect as a similar Receipt of Rent-service reserved on any Lease for Life or Lives would have in Proceedings by Ejectment for Nonpayment of such Rent under such Statutes; and in avowing or making Cognizance for any such Fee-farm Rent in any Action of Replevin in respect of a Distress for such Rent it shall be sufficient for the Person avowing or making Cognizance to avow or make Cognizance generally, that the Lands or Place on which such Distress was made, or from which such Distress was fraudulently removed, (as the Case may be,) were or was at the Time the Rent distrained for accrued and still are or is held under a Grant made under or after the passing of this Act, and that a certain Sum or Portion of the said Rent was in arrear and unpaid, and that the Person avowing, or in whose Right Cognizance is made in respect of the said Rent, is the Person entitled thereto, without further setting forth such Grant, or the Title of such Avowant or Person in whose Right such Cognizance is made to such Fee-farm Rent; and in proceeding by Action of Debt or Covenant for Nonpayment of the Fee-farm Rent made payable by any such Grant as aforesaid, or Nonperformance of any of the Covenants contained in such Grant, or in any other Action or Proceeding in relation thereto, it shall be sufficient for the Plaintiff or Person entitled to such Fee-farm Rent to set forth in the Declaration or other Pleading the Grant, and, where the Case shall require, the Covenants the Nonperformance of which he complains of, and aver that the said Plaintiff or other Person is the Person entitled to the Fee-farm Rent reserved or made payable by such Grant, and, where the Case may require, interested in the Performance of such Covenants, without

without setting forth or deducing his Title thereto; and in such Actions of Replevin, Debt, or Covenant, or other Proceeding founded on such Grant as aforesaid, Proof that the said Plaintiff or other Person, or any Person or Persons through whom he claims, has or have been in possession or in the Receipt of such Fee-farm Rent for Three Years shall be sufficient Evidence of the Title of the Plaintiff or other Person thereto, as in Cases of Ejectment for Nonpayment of Rent under the Statutes in force in relation thereto; and if in any such Action of Ejectment as aforesaid Judgment be given for the Plaintiff, and Execution executed, or if any Entry be made in respect of such Fee-farm Rent as aforesaid, or by virtue of any Condition for Re-entry contained in any such Grant as aforesaid, then the Estate in the Lands acquired under such Judgment and Execution or by such Entry shall be of the like Nature, and shall be subject to the same or the like Uses, Trusts, Charges, Liens, Equities, Rights, and Incumbrances, as if such Judgment and Execution or such Entry had been in respect of an Estate in Reversion, and of a Rent or of a Condition, as the Case may be, incident thereto, and such Estate in Reversion had stood limited to the same Uses and Trusts, and subject to the same Charges, Liens, Equities, Rights, and Incumbrances, to which such Fee-farm Rent stood limited or subject.

**In Ejectment for Nonpayment of Fee-farm Rent, Power to redeem given to certain Persons.**

XXI. And be it enacted, That if in any Action of Ejectment brought on account of the Nonpayment of any Fee-farm Rent made payable by any such Grant as aforesaid, pursuant to the Statutes for the Time being in force in *Ireland* as to Actions of Ejectment for Nonpayment of Rent, Judgment be given for the Plaintiff, and Execution executed, and the Person who has made default in Payment of the Rent, or the Person who but for such Ejectment would for the Time being have been the Party to make the Payment from Time to Time thereafter becoming due, do not, within Six Calendar Months from the Time of such Execution executed, do such Acts or take such Proceedings as are or may be by Law necessary for the Redemption of the Lands from the said Judgment and Execution (all which Acts and Proceedings he is hereby authorized to do and take in the same Manner and with the same Effect to all Intents and Purposes as if he were the Tenant or Lessee of the Person causing such Ejectment to be brought), then and in every such Case it shall be lawful for the Owner of or any Person having an Estate or Interest in any Fee-farm Rent made payable by any such Grant as aforesaid out of the whole or any Part of such Lands, or for the Owner of or any Person having an Estate or Interest in the Lands out of which such Fee-farm Rent is payable, or any Part thereof, within Nine Calendar Months after such Execution executed, to do such Acts and take such Proceedings for the Redemption

of the said Lands from the said Judgment and Execution, and for obtaining Relief in respect of the same, as under the Statutes last aforesaid any Mortgagee of a Lease might do or take for the Redemption of such Lease, or his Estate or Interest therein, from any Judgment and Execution in any Action of Ejectment for Nonpayment of Rent pursuant to such Statutes, and for obtaining Relief in respect of the same; and any Redemption made pursuant to such Statutes shall operate so as to restore all Estates and Interests in Rents or in Lands which shall have been defeated by the Entry or Ejectment; and when such Redemption as last aforesaid has been made, or when any such Redemption has been made under the Statutes aforesaid by any Mortgagee or any other Person, which Redemption he is hereby authorized to make, all Sums of Money paid or advanced on account thereof, and the Costs thereof, shall be and be deemed a Lien and Charge in favour of the Person paying the same, his Executors or Administrators, not only upon the Estate or Interest of the Person making such Default as aforesaid, but upon all the Inheritance in which such Estate or Interest is subsisting, in priority to all other Interests or Charges whatever upon such Inheritance, save and except any Charges created under the Acts relating to the Drainage of Lands or to the Improvement of Lands in *Ireland;* and such Sums of Money and Costs shall also be recoverable by the Person paying the same from the Person who has made such Default, or his Representatives, in and by an Action of Debt; and all Sums of Money paid and Costs incurred in respect of such Lien or Charge by any Person damnified thereby shall also be recoverable by such Person from the Person who has made default, or his Representatives, in manner aforesaid; and it shall be lawful for any Person having the Benefit of such Lien or Charge, or damnified thereby as aforesaid, to apply by Petition in a summary Way to the Court of Chancery or the Court of Exchequer at the Equity Side thereof for the Appointment of a Receiver over such Estate, Interest, or Inheritance, and which Receiver it shall be lawful for the said Courts respectively to appoint and to continue until all such Sums of Money and Costs, with Interest, and the Costs of such Petition and of the Proceedings thereunder, are fully paid and discharged, and to make such Order in reference to such Petition as to such Courts respectively may seem fit.

Owner of Lease or Under-lease may petition in case of disputed Right, &c.

XXII. And be it enacted, That where the Owner of any Lease or Under-lease in Perpetuity, of any Degree of Tenure, of Lands in *Ireland*, has required a Grant under this Act, and the Owner of the Reversion, Lease or superior Under-lease, or Estate, from whom such Grant has been required, disputes the Right to such Grant, or in case such Owners shall differ as to what Covenants, Conditions, Exceptions, or Reservations shall be contained in such Grant, or what

 Exceptions,

Exceptions, Reservations, or Rights should be commuted, or otherwise, as to the Terms or Conditions of such Grant or the Amount of Fee-farm Rent to be made payable thereunder, or in case the Owner of the Reversion, superior Lease, Under-lease, or Estate who might be required to execute a Grant under this Act be a Minor, Idiot, Lunatic, Feme Covert, or not within the United Kingdom, and there be no Guardian, Committee of the Estate, Husband, or Attorney respectively of such Owner competent to act under the Provision herein-before contained, or where the Owner who might be required to execute a Grant under this Act is not known, or there is or are any Arrear of Rent, Fine or Fines, or Fees, which under this Act might be required to be paid before the Execution of a Grant under this Act, and the Owner required to execute such Grant has refused to accept Payment thereof, or there is no Person to whom the same can properly be paid, or it is not known to whom the same ought to be paid, it shall be lawful for the Owner of the Lease or Under-lease in Perpetuity who has required such Grant or would be entitled to require the same, as the Case may be, to apply to the Court of Chancery in *Ireland* or Court of Exchequer in *Ireland* on the Equity Side thereof in a summary Way by Petition praying that a Grant may be executed to him under this Act, or that it may be declared what Covenants, Conditions, Exceptions, and Reservations should be contained in such Grant, or that any such Exceptions, Reservations, or Rights as aforesaid may be commuted, or that the Terms or Conditions of such Grant may be settled, or that the Amount of the Fee-farm Rent may be determined, or such other Relief as shall be applicable to the Case; and every such Petition shall be intituled "In the "Matter of the Renewable Leasehold Conversion Act," *ex parte* the Person who presents such Petition, and shall state the Date and Names of the Parties to whom and the short Contents of the Lease or Under-lease in respect of which the same is presented, and of the last Renewal thereof, with the Name of the Lands, and the Parish, Barony, and County in which the same are situate, and the Nature and Extent of the Estate or Interest of the Petitioner in such Lease or Under-lease, and shall, where the Right of the Petitioner to a Renewal of such Lease or Under-lease is disputed, state that such Right is disputed, and shall state such other Matters as the Circumstances of the Case may require; and every such Petition shall be verified by the Affidavit of the Person by whom the same is presented, or of his Solicitor, Attorney, or Agent, or otherwise as the Court shall consider sufficient, and in all Cases under this Act the Reversion, Lease, and Under-lease respectively shall be sufficiently represented by the respective Owners thereof, and it shall not be necessary to bring before the Court any other Parties interested in such Reversion, Lease, and Under-lease respectively unless in special Cases the Court shall otherwise direct.



XXIII. And

XXIII. And be it enacted, That where such Petition as aforesaid is presented in respect of a Lease or Under-lease the Right to a Renewal of which is disputed, such Petition shall be heard by the Court, and the Court may upon the Hearing determine the Right to such Renewal, or retain the Petition until such Right be established on a Bill filed or other proper Proceeding taken for such Purpose, or may refer the said Matter of such Petition to the Master or Remembrancer, or make such other Order in the Matter of such Petition as the Court may think fit; and such Petition shall, Fourteen Days before the Hearing thereof, be served by or on behalf of the Party presenting the same on the Owner of the Reversion, Lease, Under-lease, or Estate from the Owner whereof the Grant under this Act was required; and where such Petition is presented in respect of a Lease or Under-lease the Right to a Renewal of which is not disputed, it shall be in the Discretion of the Court either to make an Order for Hearing thereon, or else *ex parte* to make an Order referring the Matter of such Petition to the Master or Remembrancer.

Proceedings upon Petition.

XXIV. And be it enacted, That where the Matter of any such Petition as aforesaid is referred to the Master or Remembrancer, either upon the Hearing or *ex parte*, such Master or Remembrancer shall thereupon proceed to inquire into the Matter of such Petition, and shall require Notice, in such Form as he may think fit, of such Petition and of the Rule or Order thereon, and of a Time and Place for the Parties to appear before him, to be served upon the Owner of the Reversion, Lease, Under-lease, or Estate from the Owner whereof the Grant under this Act was or might be required, or in case such Owner be under Disability or out of the United Kingdom, and there be no Guardian, Committee, Husband, or Attorney competent to act for such Owner under the Provision herein-before contained, then the Master or Remembrancer may require such substituted Service as he may think fit of such Notice as aforesaid; and at the Time and Place fixed by such Notice the Master or Remembrancer shall proceed to inquire and ascertain whether the Petition is presented by a Person entitled to require a Grant under the Provisions of this Act of an Estate of Inheritance in the Lands comprised in the Lease or Under-lease in Perpetuity in respect of which such Petition is presented, and in case he so find he shall proceed to ascertain the Amount of the Fee-farm Rent to be made payable by such Grant, and to settle the Terms and Conditions of such Grant, in case the Parties differ about the same or the Nature of the Petition shall so require, and when the Owner from whom a Grant might be required is under Disability, and there is no Guardian, Committee, Husband, or Attorney as aforesaid of such Owner, or where such Owner is not known, shall nominate a Person to be substituted for the Purposes of this Act in all Proceedings under such Petition as aforesaid in the Place of such Owner; and where there is any

Proceedings upon Reference to the Master or Remembrancer.

any Arrear or Sum of or in respect of Rent, or any Fine or Fines, or Fees, which under this Act might be required to be paid before the Execution of a Grant under this Act, and the Owner required to execute such Grant has refused to accept Payment thereof, or there is no Person to whom the same can properly be paid, or it is not known to whom the same ought to be paid, the Master or Remembrancer shall require the full Amount of such Arrear or Sum of or in respect of Rent, and of such Fine or Fines, with Interest thereon, and of such Fees, to be lodged, under a special Direction of the Master or Remembrancer, in the Bank of *Ireland*, in the Matter of such Petition, with the Privity of the Accountant General of the Court, for the Use of the Party specified in such Direction; and the Fact of such Payment, and the Cause or Reason of the previous Nonpayment of the Amount so paid, and the Facts relating thereto, shall be stated by the Master or Remembrancer specially in his Report.

Master or Remembrancer to make a Report in relation to Matter of Petition.

XXV. And be it enacted, That the Master or Remembrancer shall make his Report in relation to the Matter of such Petition, and such Report shall state the Application to the Court, and the Result of his Inquiries and Proceedings under the Reference, and where the Petitioner is entitled to a Grant such Report shall refer to the Draft of the Grant as settled or approved by such Master or Remembrancer, and shall state by whom such Grant and the Counterpart thereof should be executed, or should have been executed if not under Disability or out of the United Kingdom, and shall state all such other Matters as to the Master or Remembrancer may seem expedient for carrying into due Execution the Provisions of this Act.

Confirmation of Report.

XXVI. And be it enacted, That after the Master or Remembrancer has made his Report Notice of the filing of such Report shall be served by or on behalf of the Petitioner on the Party on whom Notice of the Petition is required to be served; and at any Time before the Expiration of the next ensuing Term after such Service it shall be lawful for the Petitioner or the Party so served, or any other Person interested in the Matter of the Petition or Report (such other Person first obtaining, on an *ex-parte* Motion, the Leave of the Court so to apply), to apply to the Court by Motion on Notice to the opposite Party, or, where the Application is by any such other Person as aforesaid, on Notice to both Parties to the Proceedings under the Petition, and to such other Persons (if any) as the Court may, on such *ex-parte* Application as aforesaid, have directed, to set aside such Report, or to vary or amend the same in any Particulars specified in such Notice of Motion; and thereupon it shall be lawful for the Court to make such Order in relation to the Matters aforesaid as the Court may think fit; and the Court, if it so think fit, may, upon the Hearing of any such Motion, either wholly confirm such

such Report, or vary or amend the same in the Particulars mentioned in such Notice, or in any other Particulars, and confirm the same, with such Variations or Amendments; and in case no such Application be made to the Court within such Time as aforesaid such Report may and shall be confirmed according to the Course and Practice of the Court.

Master or Remembrancer may execute Grant or Counterpart in certain Cases.

XXVII. And be it enacted, That it shall be lawful for the Court, upon the Hearing of any such Motion, made on Notice as aforesaid, or upon any Application made after the Confirmation of the Report, where it may see fit so to do, on account of the Disability, Absence, or Refusal of any Person by whom the Grant or Counterpart respectively should be executed, or on account of any such Person being unknown or unascertained, to order that such Grant or Counterpart, as the Case may be, be executed by the Master or Remembrancer; and every Grant and Counterpart respectively so executed shall have the same Force and Effect as if the same had been executed by the Owner of the Reversion, Lease, superior Under-lease, or Estate, or Lease, Under-lease, or inferior Under-lease, as the Case may be, on account of whom the same is so executed by the Master or Remembrancer.

Under lessee entitled to require his immediate Lessor to procure Renewal may petition for Grants to such Lessor and the superior Owners.

XXVIII. And be it enacted, That it shall be lawful for the Owner of an Under-lease in Perpetuity immediately derived out of a Lease in Perpetuity, where such Owner is entitled to require the Owner of the Lease in Perpetuity to procure the Renewal thereof, and whether the Time for Renewal of such Lease or Under-lease has or has not arrived, to apply to the Court of Chancery, or to the Court of Exchequer at the Equity Side thereof, by Petition, in manner hereinbefore mentioned, praying that a Grant may be executed to the Owner of such Under-lease under this Act, and also praying that a like Grant may be made by the Owner of the Reversion to and accepted by the Owner of such Lease in Perpetuity, and praying such other Relief as may be applicable to the Case; and it shall be lawful for the Owner of an inferior Under-lease in Perpetuity entitled to require the Owner of the immediately superior Under-lease in Perpetuity to procure a Renewal thereof, and whether the Time for the Renewal of such inferior Under-lease or of any Under-lease superior thereto or of the Lease in Perpetuity has or has not arrived, to apply by Petition as aforesaid, praying that a Grant may be executed to such first-mentioned Owner under this Act, and also praying that the like Grant or Grants (as the Case may require) may be made to and accepted by the Owner of the immediately superior Under-lease in Perpetuity, and to and by the Owner of each Under-lease in Perpetuity (if any) superior to such Under-lease, (where such Owner is under the like Obligation to the Owner of the immediately inferior Under-lease in Perpetuity to procure Renewal,) and to and by the Owner of the

the Lease in Perpetuity, (where such Owner is under the like Obligation to the Owner of the immediate Under-lease in Perpetuity to procure Renewal,) from the Owner or respective Owners from whom a Grant or Grants might be required under this Act by such respective Owners as aforesaid, and praying all such other Relief in relation to such Grant or Grants as may be applicable to the Case; and upon such Petition being presented it shall be in the Discretion of the Court to make an Order for Hearing thereon, or, *ex parte*, to make an Order referring the Matter of such Petition to the Master or Remembrancer; and all such Inquiries, Directions, Orders, and Proceedings shall and may be made, given, and taken in relation to the several Grants prayed for by such Petition as if such Grants had been prayed for by the Owners to whom such Grants are thereby prayed to be made; and all the Provisions herein contained in relation to the Proceedings by and before the Master or Remembrancer, his Report, and the Execution by him of a Grant or Counterpart upon or after a Reference to such Master or Remembrancer under a Petition presented under the Provision herein before contained, shall extend and be applicable to a Reference to the Master or Remembrancer under a Petition presented under this Provision; and where there is any Arrear or Sum of or in respect of Rent, or any Fine or Fines, or Fees, which under this Act might be required to be paid before the Execution of a Grant under this Act, and the Owner to whom such Grant should be made neglects or refuses to pay the same within such Time as the Master or Remembrancer or the Court may appoint, it shall be lawful for any Person interested in the Lands to be comprised in the Grant or in any Fee-farm Rent to be made payable out of such Lands or any Part thereof, and who shall be in this Behalf authorized by the Master or Remembrancer or the Court to pay such Arrear or Sum of or in respect of Rent, and such Fine or Fines, with Interest thereon, and such Fees; and all Sums so paid, and the Costs (if any) incurred in relation to such Payment, shall be and be deemed a like Lien and Charge in favour of the Person paying the same, his Executors or Administrators, and with the like Priority as herein-before provided in the Case of Money paid on account of the Redemption of Lands from a Judgment and Execution in Ejectment, and the Costs of such Redemption, subject only to the Priority given to the Charge and Lien created in respect of such Money and Costs as last aforesaid, and all Sums of Money paid under this Provision and the Costs in relation to such Payment, shall also be recoverable by all the like Ways and Means, with the Costs of the Proceedings for Recovery thereof, as Money paid for such Redemption as aforesaid and the Costs thereof are under the Provision herein-before contained recoverable.

Persons becoming Parties to be subject to the Jurisdic-

XXIX. And be it enacted, That all Persons who shall become Parties to any Proceedings under this Act, by making any Application to the Court, or by submitting to the Jurisdiction thereof, or by

by attending before the Master or Remembrancer in the Course of such Proceedings, or by otherwise taking part therein, and the Representatives of the Petitioner, and of all such Persons, and all Persons claiming under him or them by their Act or by Act of Law subsequent to their becoming subject, shall for the Purposes of this Act be subject to the Jurisdiction of the Court, and to all Orders of the Court and of the Master or Remembrancer in the Course of any such Proceedings, in like Manner and as fully as Parties to a Cause pending in the Court are so subject in such Cause.

tion of the Court, &c.

XXX. And be it enacted, That in order to enable the Master or Remembrancer to ascertain such Particulars as it may be necessary for him to ascertain upon any Reference to him under this Act, he shall be at liberty to examine upon Oath the Party who has presented any Petition, and to inquire by Affidavit and by Examination of Witnesses, and by other Evidence, respecting any of the Matters referred to him; and the Owner of any Lease or Under-lease respecting which any Inquiry is made as herein before directed shall, when thereto required by the Master or Remembrancer, produce such Lease or Under-lease, and all other Deeds or Instruments under or by virtue of which such Owner holds the Lands respecting which such Inquiry is made, and shall produce and furnish such Proof or Information as the Master or Remembrancer requires as to the Rent, Fine or Fines, and Fees (if any) payable under such Lease or Under-lease, and as to the Existence and the Age of the Person or Persons upon whose Life or Lives (if any) such Lease or Under-lease depends, and as to the Rent, Fines, Interest, and Fees (if any) which have become due or payable.

Master or Remembrancer may examine Parties, &c.

XXXI. And be it enacted, That whenever any Notice required to be given by this Act, or which is required or necessary for carrying into effect any of the Provisions of this Act, cannot be given or delivered to the Person to or for whom such Notice is directed or intended, it shall be sufficient for the Person obliged to give such Notice to leave the same at the last known or most usual Place of Abode of the Person to or for whom such Notice is directed or intended, with an Inmate of such Place of Abode aged Sixteen Years or upwards, if such Place of Abode be within *Ireland*, and if the same be not within *Ireland*, then to serve such Notice on the Agent or Attorney of such Person, or the Receiver of the Rents of his Estate, and if such Agent, Attorney, or Receiver cannot be discovered, then it shall be sufficient Service of such Notice to publish the same at least once in each Week, in Two successive Weeks, by Advertisement in the *Dublin Gazette* and in Two Newspapers published in *Dublin*, and in One Newspaper circulating in the County in which the Lands to which the Notice relates or the greater Part thereof are situate, and

Mode of giving Notices, &c.

and also to give such Notice to any principal Occupier of any of such Lands, or, if the Master or Remembrancer so direct, to send such Notice by the Post to the last known Address of the Party on whom the same shall be required to be served, within such Period as to admit of its being delivered within the Period prescribed, if any, for such Notice to be given, or to serve such Notice on such Person and in such Manner as the Master or Remembrancer directs.

Proceedings not to abate.

XXXII. And be it enacted, That the Proceedings under this Act shall not abate or be suspended by any Death or Transmission of Interest, except so far as it shall be deemed necessary for the carrying on of such Proceedings that any Person not before the Court should have Notice of or be required to attend such Proceedings; and in case of Death or Transmission of Interest, and wherever, after the Presentation of a Petition under this Act, the Direction of the Court is requisite for carrying on the Proceedings under the same, or for effecting the Objects thereof, or otherwise relative thereto, it shall be lawful for any Person interested in such Proceedings to apply to the Court for an Order for any such Purpose, and it shall be lawful for the Court to make such Order on any such Application as it may see fit.

Costs of Proceedings.

XXXIII. And be it enacted, That the Costs of all Proceedings by and under any Petition presented under this Act shall be in the Discretion of the Court.

Provisions concerning Grants, &c. applicable to Proceedings under Petitions.

XXXIV. And be it enacted, That all the Provisions of this Act in relation to the Amount of the Fee-farm Rent to be made payable by a Grant under this Act, and the Covenants, Conditions, Exceptions, and Reservations to be contained in such Grant, the Commutation of Exceptions, Reservations, and Rights, the Allocation of Land, and all other Provisions of this Act concerning such Grant and the Effect and Consequences thereof, shall, so far as the same are consistent with the Provisions of this Act in relation to the Proceedings by and under and consequential upon a Petition presented under this Act, extend and be applicable to every such Grant for or in relation to which a Petition is presented.

Who shall be deemed "Owner" of the Reversion;

XXXV. And be it enacted, That for the Purposes of this Act every Person seised of or entitled at Law or in Equity to the Reversion expectant on any Lease in Perpetuity as Tenant in Fee Simple or in Fee Tail, General or Special, or as Tenant in Dower or by the Curtesy, or for Life or Lives, or for Years determinable on a Life or Lives, or for a Term of Years absolute of which Forty Years or more are unexpired at the Time of the Application for a Grant under this Act, and also every Feoffee or Trustee (for charitable or other Purposes whatsoever) of any such Reversion as aforesaid, for any

such Estate or Interest therein as aforesaid (whether such Estate or Interest be or not determinable upon the Execution or Fulfilment of any Trusts), who is in the actual Receipt of the Rent reserved by any Lease in Perpetuity, and every Executor or Administrator who in that Capacity, or as a special Occupant of an Estate *pour autre Vie*, or as being entitled to an Estate *pour autre Vie* under any Statute or otherwise, is in such Receipt as aforesaid, and also any Archbishop, Bishop, Parson, or other Ecclesiastical Person as to a Reversion held by him in his Corporate Capacity, shall be deemed to be the Owner of the Reversion; and every Person entitled at Law or in Equity to a Lease or Under-lease in Perpetuity for the whole Estate created or agreed to be created by such Lease or Under-lease, or for any derivative Estate (created by any Instrument other than an Under-lease at a Rent) in Tail, or *quasi* in Tail, for Life or Lives, or for a Term of Years absolute, of which not less than Twenty Years or more are unexpired at the Time of the Application under this Act for a Grant to or by the Owner of such Lease or Under-lease, and also every Feoffee or Trustee (for charitable or other Purposes whatsoever) of any such Lease or Under-lease in Perpetuity as aforesaid, for such Estate therein as aforesaid (whether such Estate be or not determinable upon the Execution or Fulfilment of any Trusts), who is in the actual Possession of the Land or in Receipt of the Rents payable by the Tenants thereof, and every Executor or Administrator who in that Capacity, or as a special Occupant of an Estate *pour autre Vie*, or as being entitled to an Estate *pour autre Vie* under any Statute or otherwise, is in such Possession or Receipt as aforesaid, shall be deemed the Owner of such Lease or Under-lease in Perpetuity; and where a Feme Covert is entitled to Rents and Profits for her separate Use (whether or not she be restrained from Anticipation) she shall, for the Purposes of this Act, be considered a Feme Sole: Provided always, that no Person shall be deemed an Owner for the Purposes of this Act of the Reversion, or of any Lease or Under-lease in Perpetuity, by reason of any Estate vested in him which has been created by way of Mortgage, or for securing the Payment of any Sum of Money, unless he be in the Receipt of the Rent incident to the Reversion, or in Possession of the Land comprised in such Lease or Under-lease, or in Receipt of the Rents payable by the Tenants thereof, (as the Case may be,) but the Person who would be deemed the Owner for the Purposes of this Act of such Reversion, or Lease or Under-lease in Perpetuity, if such Estate by way of Mortgage or for securing Payment had not been created, shall, notwithstanding such Estate, be deemed such Owner as aforesaid: Provided also, that where several Persons in succession have in the Reversion or Lease or Under-lease in Perpetuity such Estates or Interests as would under this Enactment entitle each of them to be deemed the Owner, such of the said Persons shall be deemed the

and Lease or Under-lease in Perpetuity.

Owner for the Purposes of this Act as is in Receipt of the Rent incident to the Reversion, or in Possession of the Land comprised in such Lease or Under-lease, or in Receipt of the Rents payable by the Tenants thereof, as the Case may be; or in case the Person in such Receipt or Possession be not entitled to be deemed the Owner under this Enactment, then the Person who has the first such Estate or Interest as aforesaid in Reversion or Remainder to or above the Estate or Interest of the Person in such Receipt or Possession shall be deemed the Owner of such Reversion, or Lease or Under-lease in Perpetuity; provided also, that in every Case in which any Person, not being the Owner as herein-before defined, is in Possession or Receipt as herein-before mentioned under any Charge, or any Sequestration, Extent, Elegit, or other Writ of Execution, or as a Receiver under any Decree or Order of a Court of Equity, the Person in Possession or in Receipt of the Rents by virtue of such Charge, Sequestration, Extent, Elegit, Writ, Decree, or Order, shall, jointly with the Person who but for such Possession or Receipt would under this Enactment be deemed the Owner of the Reversion or Lease or Under-lease in Perpetuity, as the Case may be, be deemed to be the Owner for the Purposes of this Act of the Reversion or Lease or Under-lease in Perpetuity, as the Case may be.

Owner of Reversion, &c. to be deemed Owner of Estate created on Conversion.

XXXVI. And be it enacted, That every Person who under the Provisions herein-before contained would for the Purposes of this Act be deemed the Owner of the Reversion or of a Lease or Under-lease in Perpetuity if the same were not converted under this Act, shall, where such Reversion, or the Estate held under such Lease or Under-lease, has been so converted, be deemed for the Purposes of this Act the Owner of the Estate created by such Conversion.

Future Leases in Perpetuity to operate as Grants in Fee-farm.

XXXVII. And be it enacted, That every Lease of Lands in *Ireland* for One or more Life or Lives, with or without a Term of Years, or for Years determinable upon One or more Life or Lives, or for Years absolute, with a Covenant or Agreement for perpetual Renewal, made after the passing of this Act by any Person competent to convey an Estate of Inheritance in Fee Simple (and not so made in pursuance of a Covenant or Agreement entered into before the passing of this Act), shall, notwithstanding anything therein contained to the contrary, be deemed to be and shall operate as a Conveyance of the Lands specified therein to the intended Lessee, his Heirs and Assigns for ever, at a Fee-farm Rent equal to the Rent expressed to be reserved in such Lease, and all Reservation of Fine or Fines upon or Fees for or in respect of such Renewal, and all and every Covenant, Contract, or Agreement for the Payment of such Fine or Fees, shall be altogether void; and every Contract for such a Lease entered into after the passing of this Act by any such

Person as aforesaid (not being a Renewal of a Contract in pursuance of an Agreement in that Behalf made before the passing of this Act) shall, notwithstanding anything therein contained to the contrary, be deemed to be a Contract for a Conveyance of the Lands specified therein to the intended Lessee, his Heirs and Assigns, at a Fee-farm Rent equal to the Rent in such Contract proposed to be reserved; and any such Fee farm Rent shall be recoverable by all the Means and Remedies provided for the Recovery of Fee-farm Rents made payable by a Grant under this Act, and the Provisions of this Act, so far as the same may be applicable, shall be applied to such Cases.

Interpretation of Terms in this Act.

XXXVIII. And be it enacted, That the following Words and Expressions shall in this Act have the Meanings hereby assigned to them, unless there be something in the Subject or Context repugnant to such Construction; (that is to say,) Words importing the Singular Number only shall include the Plural Number, and Words importing the Plural Number only shall include also the Singular Number; Words importing the Masculine Gender only shall include Females; the Word "Person" and the Word "Owner" shall extend to a Body Politic, Corporate, or Collegiate, Aggregate or Sole; the Word "Lands" shall extend to Messuages, Tenements, Tithes, Tithe Rent-charges, and Hereditaments; the Word "Lease" shall include a Grant or an Agreement or Contract for a Lease or Grant; and the Word "Under-lease" shall include a Grant or an Agreement or Contract for an Under-lease or Grant, and shall include an Under-lease carved out of an Under lease in any Degree of Tenure; the Expression "Lease in Perpetuity" shall be taken to apply to all Cases where any Hereditaments have been or shall be, by a Lease or Contract derived immediately from the Freehold and Inheritance, demised, leased, or granted, or contracted to be demised, leased, or granted, for One or more Life or Lives, with or without a Term of Years, or for Years determinable upon One or more Life or Lives, or for Years absolute, with a Covenant or Agreement, by a Party competent thereto, in any of such Cases, whether contained in the Instrument by which such Lease or Contract is made or in a separate Instrument, for the perpetual Renewal of such Lease or Contract; the Expression "Under-lease in Perpetuity" shall be taken to apply to all Cases where any of the Land comprised in any such Lease in Perpetuity or Contract for a Lease in Perpetuity have been or shall be under-leased or granted, or contracted to be under-leased or granted, for One or more Life or Lives, with or without a Term of Years, or for Years determinable upon One or more Life or Lives, or for Years absolute, with a Covenant or Agreement, whether contained in the Instrument by which such Under-lease or Contract for an Under-lease is made or in a separate Instrument, for the perpetual Renewal of such Under-lease or Contract; and for the Purposes of this

this Act an Assignment reserving a yearly Rent, or a Contract of such Assignment, shall be deemed to be an Under-lease or Contract for an Under-lease respectively, although the Person making such Assignment or Contract may have parted with or agreed to part with his whole Estate in the Hereditaments therein comprised; and the Word "Covenant" shall be deemed to include an Agreement; and for the Purposes of this Act a Covenant or Agreement giving in respect of a Lease or Under-lease for a Term of not less than Ninety Years, determinable on a Life or Lives, a perpetual Right of Renewal on the dropping of a Life or Lives within the Term for which such Lease or Under-lease, or the renewed Lease or Under-lease for the Time being in force, may have been granted, shall, although such Covenant or Agreement may not give Right of Renewal in the event of the Termination of such Term by Effluxion of Time, be deemed a Covenant or Agreement for perpetual Renewal of such Lease or Under-lease; and the Word "Fine" shall include not only a Sum of Money, but any Heriot, Matter, or Thing to be given or done upon or for or in consideration of the obtaining of any Renewal; and "the Court" shall mean the Court of Chancery or the Court of Exchequer, as the Case may be, to which a Petition shall be presented under this Act; and the Word "Master" shall mean any of the Masters in Ordinary of the Court of Chancery; and the Word "Remembrancer" shall mean the Chief or Second Remembrancer of the Court of Exchequer.

Short Title of Act, and of Fee-farm Rents thereunder.

XXXIX. And be it enacted, That in citing this Act in other Acts of Parliament, or in legal Instruments or Pleadings, it shall be sufficient to use the Expression "The Renewable Leasehold Conversion Act;" and in like Manner, in like Cases, in describing any Fee-farm Rent payable under the Provisions of this Act, it shall be sufficient to use the Expression "Fee-farm Rent under the Renewable Leasehold Conversion Act."

Act to extend only to Ireland.

XL. And be it enacted, That this Act shall extend only to Lands situate within that Part of the United Kingdom of *Great Britain* and *Ireland* called *Ireland*.

Act may be amended, &c.

XLI. And be it enacted, That this Act may be amended or repealed by any Act to be passed during this present Session of Parliament.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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I. *General Provisions.*

Short Title of this Act.

II. And be it enacted, That in citing this Act in other Acts of Parliament, or in any Instrument, Document, or Proceeding, it shall be sufficient to use the Expression, "The Bankrupt Law Consolidation Act, 1849."

Act not to extend to Scotland or Ireland.

III. And be it enacted, That this Act shall not extend to *Scotland* or *Ireland*, except where otherwise expressly provided.

Act to commence 11th Oct. 1849; Fiat abolished, and all Procedure to obtain Adjudication of Bankruptcy, &c. to be under the Provisions of this Act

IV. And be it enacted, That this Act, unless where otherwise specially provided, shall commence and take effect from and after the Eleventh Day of *October* next; and that from and after the Commencement of this Act no Fiat in Bankruptcy shall be issued, but all Proceedings in Bankruptcy or to found an Act of Bankruptcy shall, and Proceedings for Arrangement between Debtors being Traders liable to become bankrupt and Creditors may be by virtue of and according to the Provisions of this Act; and that all Proceedings in Bankruptcy, and every Fiat in Bankruptcy, and Petition for such Arrangement, depending at the Commencement of this Act, shall be proceeded in and brought to a Conclusion under the Provisions of this Act: Provided that every Trading, Act of Bankruptcy, Petitioning Creditor's Debt, or other Matter or Thing, which before the Commencement of this Act would have authorized Proceedings in Bankruptcy, shall after the Commencement of this Act be sufficient to authorize Proceedings in Bankruptcy under this Act, and nothing in this Act contained shall render invalid any Proceedings in Bankruptcy, or any Fiat in Bankruptcy, or any Petition for Arrangement, depending at the Commencement of this Act, or any Proceedings which may have been instituted or taken under or by virtue of such Bankruptcy, Fiat, or Petition, or lessen or affect any Right, Title, Claim, Demand, or Remedy which any Person now has or hereafter may have under or by virtue thereof, or lessen or affect any Right, Title, Claim, Demand, or Remedy which any Person now has or hereafter may have upon or against any Bankrupt against whom any Fiat has or shall have been issued, or against any such Trader who may or shall have presented such Petition, except as in this Act is hereafter specially provided: Provided always, that nothing in this Act contained shall affect the Provisions of the "Joint Stock Companies Winding-up Act, 1848," or any of the Acts therein recited, or of any Act amending such Act, except so far as regards the Abolition of the Fiat in Bankruptcy and the Substitution of a Petition for Adjudication of Bankruptcy.

Joint Stock Companies Winding up Act, 1848, &c. not to be affected

In construing former Acts, &c. with reference to Petition for Adjudication under this Act, Fiat, &c. to be deemed to have issued at the time of filing Petition.

V. And be it enacted, That where, in any Act of Parliament, Instrument, Document, or other Proceeding passed, executed, or made before the Commencement of this Act, Mention shall have been or shall be made of any Commission of Bankruptcy or Fiat in Bankruptcy, such Act, Instrument, Document, or Proceeding shall be construed with reference to the Proceedings under a Petition for Adjudication

Adjudication of Bankruptcy, as if such Commission or Fiat had been actually issued at the Time of filing such Petition.

2. *Constitution of the Court, &c.*

And with respect to the Court, and the Jurisdiction thereof, be it enacted,

The Court of Bankruptcy continued for the Purposes of this Act, and to continue a Court of Record, &c.

VI. That the Court of Bankruptcy shall continue to be a Court of Law and Equity for the Purposes of this Act, and shall continue to be a Court of Record; and the Records and Proceedings of every Kind at the Commencement of this Act in the said Court in *London*, and in the several Districts in the Country, shall be kept as such Records and Proceedings in like Manner in the Court so continued; and the said Court and every Commissioner thereof shall have and use all the Powers, Rights, Incidents, and Privileges of a Court of Record, and all other Rights, Incidents, and Privileges, as fully to all Intents and Purposes as the same are used and enjoyed by any of Her Majesty's Courts of Law or Judges at *Westminster*; and each and every of the Commissioners for the Time being acting in *London* and in the several Districts in the Country shall, singly and simultaneously, or otherwise as Occasion may require, be and form the Court for every Purpose under this Act, or in execution of any Duty which may hereafter be imposed on the Court, except where otherwise in this Act specially provided.

Number of Commissioners acting in London to be reduced to Four

VII. That upon the next Two Occasions of a Vacancy in the Office of any Commissioner of the Court acting in *London* the Vacancies shall not be filled up, and the Commissioners acting in *London* shall in such Manner be reduced to Four; and the Lord Chancellor shall have Power to direct before which Commissioner or Commissioners those Matters shall be prosecuted which were theretofore prosecuted before the Commissioner whose Death, Resignation, Retirement, or Removal shall have occasioned the Vacancy.

Commissioners may make Rules, subject to Lord Chancellor's Approval

VIII. That the Commissioners of the Court continued under this Act, or any Eight or more of them, of whom the Senior Commissioner shall be one, may from Time to Time make such Rules and Orders as they may think fit for the better carrying this Act into execution, and as regards the Duties to be performed by the Chief and other Registrars, the Accountant, Master, Clerk of Enrolments, Official Assignees, Registrar of Meetings, and Clerks, and by the Messengers, Ushers, and other under Officers of the Court, and generally for regulating the Practice of the Court and the Forms of Proceedings where not provided for in this Act; provided always, that no such Rules or Orders shall be of any Force or Effect until they shall have been approved by the Lord Chancellor.

Limits of the Bankruptcy Districts.

IX. That the Limit and Extent of the District of the Court of Bankruptcy acting in *London* shall be and remain the Limit and Extent of such District at the Time of the passing of this Act, and

2. *Constitution of the Court, &c.*

and the Limit and Extent of the Districts of the Courts acting in the Country respectively shall be the Limit and Extent of such Districts respectively as the same are settled and determined at the Time of the passing of this Act, unless and until such last-mentioned Districts shall be altered as herein-after provided: Provided always, that it shall be lawful for Her Majesty, with the Advice of Her Privy Council, from Time to Time to alter the Limit and Extent of such last-mentioned Districts, or any of them, or to increase the Number of the same, as to Her Majesty, with the Advice aforesaid, shall seem fit.

Country Districts may be altered or increased.

Sittings of the Court

X. That the Court shall sit for the Despatch of Business daily throughout the Year, (*Sunday*, *Christmas Day*, *Good Friday*, *Monday* and *Tuesday* in *Easter* Week, and Days appointed for Public Fast or Thanksgiving, excepted,) and in *London*, and in each District in the Country, the Commissioners of the Court, or such of them as Occasion may require, shall attend for that Purpose: Provided always, that in each District in the Country in which there is only One Commissioner of the Court, such Commissioner, or, in his Absence from Illness or other reasonable Cause, the Registrar of the Court in such District, shall so attend: Provided also, that during the Time appointed by Order of the Lord Chancellor for Vacations in the several Offices of the High Court of Chancery, the Commissioners of the Court in *London* and in the several Districts in the Country respectively shall have full Power and Authority to regulate the Sittings of the Court, and appoint the Attendance of such of them as Vacation Commissioner or Commissioners for that Purpose as shall appear fit and necessary for the due Administration of Justice in the said Court.

Lord Chancellor may attach the Commissioners, &c. acting in the Country to such Districts as he shall think fit, &c.

XI. The Lord Chancellor may from Time to Time attach the Commissioners and Registrars acting in the Country to such Districts as he shall think fit, and, whenever it shall appear to him to be expedient, may order any Commissioner acting for any District, whether in Town or Country, to hold Sittings at such Places within his District as the Lord Chancellor may think fit, and may give all necessary Directions in that Behalf.

3. *Jurisdiction, Primary and Appellate.*

Primary Jurisdiction of the Court, with Appeal to Vice Chancellor

XII. That the Court, in the Exercise of its primary Jurisdiction by virtue of this Act, shall have Superintendence and Control in all Matters of Bankruptcy, and shall hear, determine, and make Order in any Matter of Bankruptcy whatever, so far as the Assignees are concerned, relating to the Disposition of the Estate and Effects of the Bankrupt, or of any Estate or Effects taken under the Bankruptcy and claimed by the Assignees for the Benefit of the Creditors, or relating to any Acts done or sought to be done by the Assignees in their Character of Assignees by virtue or under colour of the Bankruptcy,

3. *Jurisdiction, Primary and Appellate.*

ruptcy, and also in any Matter of Bankruptcy whatever as between the Assignees and any Creditor or other Person appearing and submitting to the Jurisdiction of the Court; and also in any Application for a Certificate of Conformity, and in any other Matter (whether in Bankruptcy or not) where the Court by virtue of this Act has Jurisdiction over the Subject of the Petition or Application, save and except as may be by this Act otherwise specially provided, and subject in all Cases to an Appeal to such One of the Vice Chancellors of the High Court of Chancery as the Lord Chancellor shall from Time to Time be pleased to appoint to sit in Bankruptcy: Provided always, that if no such Appeal shall be entered within Twenty-one Days from the Date of any Decision or Order of the Court, and be thereafter duly prosecuted, every such Decision or Order shall be final; and that every Appeal shall be subject to such Regulation in regard to Deposit of Costs as shall by any General Rule or Order to be made in pursuance of this Act be directed.

Vice Chancellor sitting in Bankruptcy to be a Court of Record, &c.

XIII. That the Vice Chancellor appointed and sitting in Bankruptcy as aforesaid shall be and form a Court of Record, and shall have all the Powers of and incident thereto, and may adjourn any Sitting from Time to Time and for such Time as may be requisite, and shall have the like Power of summoning and compelling Attendance, and of Examination, and of enforcing Obedience to Examination and to any Order duly made, whether relating to any Examination or to any other Matter, and of requiring and compelling the Production of Books, Papers, Deeds, Writings, and other Documents, and shall have the like Power of Commitment, as is by this Act given to the Court of Bankruptcy.

Appeals to be brought on by Petition, Motion, or Special Case.

XIV. That all Appeals from Decisions or Orders of the Commissioners shall be brought on by way of Petition, Motion, or Special Case, subject to any General Rule or Order to be made by the Vice Chancellor or by the Lord Chancellor relating to such Appeals.

Vice Chancellor may direct Question of Fact to be decided by a Jury.

XV. That the Vice Chancellor may, if he think fit, direct any Question of Fact arising before him to be decided by a Jury in *London* or *Westminster*, or by a Jury before a Judge of Assize, in Manner and Form provided in lieu of a feigned Issue by an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, intituled *An Act to amend the Law concerning Games and Wagers*; and after any Question so authorized shall have been decided a new Trial thereof may be moved for in the Court out of which the Writ of Summons sued out under that Act shall have been issued.

8 & 9 Vict. c. 109.

New Trial may be moved for.

Decisions, &c. of Vice Chancellor to be subject to Appeal to the Lord Chancellor in certain Cases.

XVI. That all Decisions and Orders of the Vice Chancellor shall be subject to an Appeal to the Lord Chancellor on Matters of Law and Equity, or on the Refusal or Admission of Evidence, and on such only;

3. *Jurisdiction, Primary and Appellate*

only; and in all Cases of Appeal to the Lord Chancellor such Appeal shall be on a Special Case, and in no other Mode whatsoever, except the Lord Chancellor shall in any Case otherwise direct; and such Special Case shall be approved and certified by the Vice Chancellor, and his Determination on the Settlement of such Case shall be final and conclusive: Provided always, that all Appeals to the Lord Chancellor by virtue of this Act shall be heard by the Lord Chancellor only, and not by any other Judge of the High Court of Chancery; and that if no Petition of Appeal be entered within Twenty-one Days from the Date of the Decision or Order of the Vice Chancellor, and thereafter duly prosecuted, every such Decision or Order shall be final.

Appeals, &c to be entered in Office of Chief Registrar, &c

XVII. That all Appeals to the Vice Chancellor or Lord Chancellor, and all Affidavits and Documents to be used on the Hearing of any such Appeal, shall be entered in the Office of the Chief Registrar; and the Vice Chancellor sitting in Bankruptcy shall on the Hearing of such Appeals be attended by some one of the Registrars of the Court of Bankruptcy.

Appeal to the House of Lords.

XVIII. That if the Lord Chancellor shall in any Case deem any Matter of Law or Equity brought before him by way of Appeal to be of sufficient Difficulty or Importance to require the Decision of the House of Lords, or in case both Parties in any Proceeding before the Vice Chancellor shall desire that any such Matter may be determined in the first instance by the House of Lords, and not by the Lord Chancellor, then and in such Case the whole Facts whereupon such Question of Law or Equity shall arise shall be stated in the Form of a Petition of Appeal to the House of Lords, and the Party appealing may carry an Appeal to the House of Lords, in like Manner as other Appeals are preferred to that House: Provided always, that the Cases to be lodged by the Parties in the House of Lords shall be confined in Matter of Fact, in Cases of Appeal from the Lord Chancellor, to setting forth the Special Case brought up to the Lord Chancellor from the Vice Chancellor, and in Cases of Appeal from the Vice Chancellor to setting forth a Special Case, to be approved and certified by the Vice Chancellor, and to such Arguments on the Point of Law as the Parties may be advised to state.

Lord Chancellor, during Illness, &c of any Commissioner, may direct another Commissioner to act.

XIX. That during the Illness or Absence, from any reasonable or unavoidable Cause, of any Commissioner acting in the Country, the Lord Chancellor (as Occasion may require, and for such Time as he shall think fit to allow,) may authorize and direct any of the Commissioners acting in *London* to act in any District in the Country for or in aid of any of the Commissioners, and so *vice versâ*, and in the same Manner may authorize any of the Commissioners appointed to act in any one District in the Country to act for or in aid

aid of any of the Commissioners authorized to act in any other District in the Country; and any Commissioner so acting shall have all the Power, Jurisdiction, and Authority, and perform all the Duties of the Commissioner for or in aid of whom such Commissioner shall so act.

3. *Jurisdiction, Primary and Appellate.*

XX. That any of the Commissioners acting in *London* may, during Vacation, or during the Illness or unavoidable Absence of the Senior Commissioner, exercise and perform the Duties imposed upon the Senior Commissioner by this Act.

During Vacation, &c. any Commissioner acting in London may act for Senior Commissioner.

XXI. That the Court in *London*, and in the several Districts in the Country, shall be auxiliary to each other for Proof of Debts and for the Examination of Persons or Witnesses on Oath, or for any or either of such Purposes: Provided always, that all such Examinations shall be taken down in Writing, and shall be annexed to and form Part of the Proceedings in the Matter to which the same shall relate, and that no such Proof or Examination shall be taken without the Request in Writing of the Commissioner before whom the Matter is being prosecuted.

Courts to be auxiliary to each other for Proof of Debts and taking Examinations.

XXII. That all Power, Jurisdiction, and Authority of the Commissioners named in any Fiat issued on or prior to the Eleventh Day of *November* One thousand eight hundred and forty-two shall be deemed to have ceased and determined on that Day; and every such Fiat not already transferred or removed into the Court of Bankruptcy shall be transferred and removed into the Court in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed.

Power of Commissioners named in Fiats issued on or prior to 11th November 1842 to cease, and Fiats to be removed into Court.

XXIII. That all Proceedings before the Court in any District in the Country, or any Part of such Proceedings, or Copies or Minutes thereof, shall be transmitted to the Chief Registrar at such Time and in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed, and be by him kept among the Records of the Court.

Proceedings, &c. in the Country to be transmitted to Chief Registrar.

XXIV. That every Warrant issued by the Court shall be under the Seal of the Court and the Hand of One of the Commissioners; and every Summons shall be in Writing under the Hand of One of such Commissioners, or in his Absence under the Hand of One of the Registrars, and under the Seal of the Court.

Sealing and Signature of Warrants, &c

XXV. That the Court shall cause to be sealed with the Seal of the Court all Records, Proceedings, Documents, and Copies of the same as are by this Act expressly required to be so sealed, and such other Records, Proceedings, Documents, and Copies of the same as the Court shall at any Time direct.

Records, Proceedings, &c. to be sealed.

And

4.
*Of the Registrars*

And with respect to the Registrars, be it enacted,

Number of Registrars acting in London to be reduced to Four

XXVI. That upon the next Two Occasions of a Vacancy in the Office of any Registrar of the Court acting in *London* (other than the Chief Registrar) the Vacancies shall not be filled up, and the Number of Registrars acting in *London* (other than the Chief Registrar) shall in such Manner be reduced to Four.

In case of Illness, &c of Commissioner, Registrar may act for him, &c. except in certain Cases.

XXVII. That any Registrar of the Court may, during Vacation, or during the Illness or Absence from any other reasonable Cause of any Commissioner thereof, act for and as the Deputy of such Commissioner; and any such Registrar so acting shall have and exercise all Power vested in the Court, except the Power of Commitment, the hearing of any disputed Adjudication, or the hearing or determining of any Question of the Allowance or Suspension of any Bankrupt's Certificate.

Court may direct Registrar to take Proof of Debts, &c

XXVIII. That whenever it shall seem expedient to any Court to direct a Registrar to act in the Prosecution of any Bankruptcy for Proof of Debts, or for the Examination of Persons or Witnesses on Oath, or for either of such Purposes, it shall be lawful for such Court so to direct, and the travelling Expenses of such Registrar and of any Clerk or other Officer attending him, incurred in so acting, shall be settled by such Court, and paid out of the Estate of the Bankrupt; and such Registrar so acting shall have and exercise all Power vested in such Court for Proof of Debts and Examination of Persons or Witnesses, except the Power of Commitment: Provided always, that all Depositions and Examinations of Persons and Witnesses taken before such Registrar, and all Acts done by him, shall be reduced to Writing, and shall be annexed to and form Part of the Proceedings.

Chief Registrar to provide Seals.

XXIX. That the Chief Registrar shall provide a Seal for himself and each of the other Registrars of the Court, on which shall be engraven the Style of the Court, and the Name of the District in which such Registrar is acting; and every such Seal shall be kept by the Chief and other Registrars respectively for the Time being in trust for the Purposes of the Court; and such Seal shall be and shall be deemed and taken to be the Seal of the Court.

Registrars may act for each other, &c

XXX. That any Registrar of the Court may act for the Chief Registrar or for any other Registrar thereof, and during the Illness, or Absence from any reasonable or unavoidable Cause, of any Registrar acting in the Country, the Lord Chancellor (as Occasion may require, and for such Time as he shall think fit to allow,) may authorize and direct any of the Registrars acting in *London* to act in any District in the Country for or in aid of any of the Registrars, and so *vice versâ*, and in the same Manner may authorize any of the Regis-

trars

4. *Of the Registrars.*

trars appointed to act in one District in the Country to act for or in aid of any of the Registrars appointed to act in any other District in the Country; and any such Registrar so acting shall have all the Power, Jurisdiction, and Authority, and perform all the Duties, of the Registrar for or in aid of whom he shall so act.

5. *Of the Accountant.*

And with respect to the Accountant in Bankruptcy, be it enacted,

Accountant to have Superintendence, &c. of Funds.

XXXI. That the Accountant in Bankruptcy shall superintend and control the Care and Management of the Funds belonging to Bankrupts Estates, and of all Funds which may come into the Court under any Matter to be prosecuted therein under and by virtue of this Act, and shall conduct the Business of it in such Manner as may by the Lord Chancellor, or by any General Rule or Order to be made in pursuance of this Act, be directed; and the Salary of the Accountant shall be in lieu of all Fees and Emoluments whatsoever, and he shall not, directly or indirectly, receive any further Sum, either for Commission, Brokerage, or otherwise; and the Brokerage Business of the Accountant's Office shall be transacted upon such Terms as any Two of the Commissioners of the Court acting in *London* shall determine, and the Sum paid to the Broker shall be charged by the Accountant to the Estate for which the Investment or Sale shall be made, and when such Sum shall be determined the Commissioners aforesaid may direct the Payment of it in such Manner as to them may seem just.

Salary of Accountant to be in lieu of all Fees, &c.

Names of Accounts to be changed.

XXXII. That all Monies and Securities which at the Commencement of this Act may be standing in the Books of the Bank of *England* in the Name of the Accountant in Bankruptcy to the Credit of the Accounts intituled respectively "The Secretary of Bankrupts Account," "The Secretary of Bankrupts Compensation Account," and "The Interest arising from Bankruptcy Fund Account," and all Monies and Securities which shall be standing to the Credit of the Account intituled "Fund arising from Fees in Bankruptcy," or which shall be so standing in the Name of the "Registrar of Meetings," shall be transferred and carried to an Account to be opened therein, and intituled "The Chief Registrar's Account;" and all Monies and Securities which shall thereafter stand to the Credit of the Account to be so opened and intituled shall be subject to all the Orders theretofore made in regard to Monies paid or directed to be paid in to those Accounts.

Accounts kept at the Bank of England, called "The Bankruptcy Fund Account" and "Chief Registrar's Account," to be subject to the Orders of the Lord Chancellor.

XXXIII. That the Account kept at the Bank of *England* in the Name of the Accountant, and called "The Bankruptcy Fund Account," and the Account to be opened as mentioned in the preceding Article, and intituled "The Chief Registrar's Account," and each such Account, shall be subject to such General Orders touching the Payment in, Investment, accounting for, and Payment out of the

 same

5. *Of the Accountant.*

same for the Purposes mentioned in this Act, as the Lord Chancellor shall from Time to Time think fit to prescribe.

Securities may be purchased.

XXXIV. That out of the Cash now lying or which shall hereafter lie dead and uninvested in the Bank of *England* in the Name of the Accountant to the Credit of any Account kept by him as such Accountant, any Sum or Sums of Money shall and may, by virtue of any Order or Orders of the Lord Chancellor to be made for that Purpose, from Time to Time be placed out and invested, in One entire Sum or in Parcels, in the Name of the Accountant, on such Government or Parliamentary Securities as in and by such Order or Orders shall be directed, and such Securities shall be carried to the Accounts respectively on account of which they were so purchased; and the Interest and Dividends of all Securities so purchased shall from Time to Time be received by the Governor and Company of the Bank of *England*, and be carried to the Account intituled "The Chief Registrar's Account."

Lord Chancellor may order Securities purchased to be sold in certain Cases.

XXXV. That if at any Time hereafter the whole or any Part of the Money placed out on Securities shall be wanted to answer any Demands due in respect of any Bankrupt's Estate, or if it shall at any Time appear that the Balance of Cash remaining to the Credit of the Accountant is not so large as it ought to be, having regard as well to the Convenience of the Suitors as to the Necessity of affording a fair Remuneration to the Bank of *England* for keeping the Accounts, the Lord Chancellor may direct the whole or any Part of such Securities to be sold and disposed of, and the Money arising from such Sale to be paid into the Bank of *England* to the Credit of the Accounts to which they respectively belong.

Returns to Parliament to be made by Accountant

XXXVI. That on or before the First Day of *March* in every Year, if Parliament be then sitting, or, if not, within Fourteen Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament, by the Accountant, a Return showing the total Amount of Monies paid into the Bank of *England* to the Credit of the Accountant during the Year preceding and up to the Thirty-first Day of *December* in that Year, and distinguishing therein the Amount paid over by Her Majesty's Commissioners of Inland Revenue under the Provisions herein-after contained; the total Amount of Monies paid out during the same Period by Orders of the Lord Chancellor, the Vice Chancellor, or the Court of Bankruptcy or any Commissioner thereof; the Balances on the said Thirty first Day of *December* in the Bank of *England* standing to the Credit of the Accountant; and showing also the net Amounts standing at the Bank of *England* to the Credit of the Accountant on the First Day of *January* on each of the following distinct Accounts; *viz.*, First, the Bankruptcy Fund Account; Second, the Unclaimed Dividend Account; and Third, the Chief Registrar's Account; and the Return in respect

respect of the last-mentioned Account shall have an Appendix attached thereto, detailing all Payments made from such Account, and to whom made, and whether as Salaries, Compensations, Annuities, Services, or Travelling or other Expenses or Allowances; and the said Return shall specify the Amount transferred and paid out as Dividends out of the Dividend Account, and shall also show the Balance then existing on such Account.

5. *Of the Accountant.*

6. *Of the Master.*

XXXVII. And with respect to the Master, be it enacted, That the Duties of the Master shall be the Taxation of all such Bills of Fees, Costs, Charges, and Disbursements as may by any General Rule or Order to be made in pursuance of this Act be directed, subject to Review of the Court; and the Place, Time, and Manner in which his Duties shall be conducted shall be such as shall be specified in such General Rule or Order; and all Sums and Fees which now or at any Time before the Commencement of this Act are directed to be paid by the Master into the Bank of *England* to the Account intituled "The Secretary of Bankrupts Account," and all Sums and Fees received by the Master after the Commencement of this Act, shall be paid into the Bank of *England* to the Account intituled "The Chief Registrar's Account."

Duties.

7. *Of the Official Assignees.*

And with respect to the Official Assignees, be it enacted,

XXXVIII. That the Official Assignees of the Court of Bankruptcy shall give such Security, and be subject to such Rules, and act in such Manner, as may by the Lord Chancellor, or by any General Rule or Order to be made in pursuance of this Act, be from Time to Time directed.

Official Assignees to give Security, &c.;

XXXIX. That One of such Official Assignees shall in all Cases be appointed by the Court an Assignee of each Bankrupt's Estate and Effects to act with the Assignee or Assignees to be chosen by the Creditors; and all the Personal Estate and Effects, and the Rents and Profits of the Real Estate, and the Proceeds of Sale of all the Estate and Effects, Real and Personal, of the Bankrupt, shall in every Case be possessed and received by such Official Assignee alone, save where it shall be otherwise directed by the Court; and all Stock in the Public Funds or of any public Company, and all Monies, Exchequer Bills, *India* Bonds, or other public Securities, and all Bills, Notes, and other negotiable Instruments, shall be forthwith transferred, delivered, and paid by such Official Assignee into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to be subject to such Order and Regulation for the keeping of the Account of the said Monies and other Effects, and for the Payment and Delivery in, Investment, and Payment and Delivery out of the same, as the Lord Chancellor or as the Vice Chancellor, or any Commissioner

Their Duty.

7. *Of the Official Assignees*

sioner of the Court if authorized so to do by any Order of the Lord Chancellor, shall direct.

To act as sole Assignee till Creditors Assignees chosen, and may sell or otherwise dispose of Property of a perishable Nature, &c.

XL. That until Assignees shall be chosen by the Creditors of the Bankrupt the Official Assignee shall, to all Intents and Purposes whatsoever, be deemed to be the sole Assignee of the Bankrupt's Estate and Effects, and, if the Court shall so order, may, before Assignees shall be chosen by the Creditors, sell or otherwise dispose of any Property of a Bankrupt which shall be of a perishable Nature, or the holding Possession whereof until the Choice of Assignees would in the Judgment of the Court be prejudicial to the Bankrupt's Estate: Provided always, that nothing herein contained shall extend to authorize any Official Assignee to interfere with the Assignees chosen by the Creditors, in the Appointment or Removal of a Solicitor or Attorney, or, after such Choice, in directing the Time and Manner of effecting any Sale of a Bankrupt's Estates or Effects.

Not to interfere with Creditors Assignees in Appointment, &c. of Solicitor, &c

Official Assignee not personally liable for Acts done in execution of his Duty

XLI. That no Official Assignee shall be personally responsible or liable for any Act done by him, or by his Order or Authority, in the Execution of his Duty as such Official Assignee, by reason of the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy upon which any Adjudication of Bankruptcy shall have been grounded, or of any or either of such Matters, being insufficient to support such Adjudication; and no Official Assignee shall be deemed personally answerable for or by reason of his having received any Money, Bills, Notes, or other negotiable Instruments under any Bankruptcy in his Character of Official Assignee, provided he shall have paid and deposited such Money, Bills, Notes, and other negotiable Instruments during the Prosecution of the Bankruptcy to and in the Bank of *England* to the Credit of the Accountant in Bankruptcy for the particular Estate for which such Money, Bills, Notes, or other negotiable Instruments shall have been received, and shall have given Notice of such Payment or Deposit (as the Case may be) to any Person claiming such Money, Bills, Notes, or other negotiable Instruments of the Official Assignee, and provided also, that the Official Assignee, after such Payment or Deposit, shall not have dealt with such Money, Bills, Notes, or other negotiable Instruments otherwise than in the Execution of his Duty as Official Assignee, and under the Order of the Court; and if any Action shall be brought against the Official Assignee, either solely or jointly with the Creditor's Assignee, in respect of such Money, Bills, Notes, or other negotiable Instruments, it shall be lawful for a Judge of the Court in which the same shall be brought, upon Application of the Official Assignee, and upon an Affidavit of Facts, to set aside the Proceedings in such Action so far as the Official Assignee is concerned, with such Costs, or without Costs, as to the Judge shall seem meet.



XLII. That

7.
*Of the Official Assignees.*

XLII. That on the Death or Removal of any Official Assignee who shall have been appointed to act in any Bankruptcy the Court shall have Power to appoint another Official Assignee to act in such Bankruptcy.

Court may appoint another Official Assignee on Death, &c.

XLIII. That the Court may, at Discretion, appoint an Official Assignee to act with the existing Assignees, if any, under any Fiat which has been or may be removed into Court, and may direct the existing Assignees to pay and deliver over to such Official Assignee all Monies, Books, Papers, and Effects whatsoever in their Possession or Custody as such Assignees; and all the Real and Personal Estate of the Bankrupt under such Fiat shall immediately on such Appointment vest in such Official Assignee jointly with the existing Assignees, if any, in like Manner as if the Proceedings in the Bankruptcy had originally been commenced by virtue of this Act, without Prejudice to any Action or Suit commenced or any Contract entered into by the existing Assignees at the Time of the Commencement of this Act.

Power to appoint Official Assignee to act with the existing Assignees under old Fiats.

XLIV. That the Court may order and allow to be paid out of any Bankrupt's Estate, to the Official Assignee thereof, as a Remuneration for his Services, such Sum as shall, upon Consideration of the Amount of the Bankrupt's Property, and the Nature of the Duties performed by such Official Assignee, appear to be just and reasonable.

Remuneration to Official Assignee.

XLV. That on or before the First Day of *March* in every Year if Parliament be then sitting, or, if not, within Fourteen Days from the Commencement of the then next Session of Parliament, there shall be laid before Parliament by every Official Assignee a Return, in the Form contained in Schedule (B.) to this Act annexed, showing the Particulars in such Form mentioned in respect of every Estate under his Charge, and which shall not have been finally wound up, on the Thirty-first Day of *December* in the preceding Year; and such Return shall be certified by the Court, and shall be subject to such further Regulation, as to the Form of the same or otherwise, as the Lord Chancellor may from Time to Time think fit to make.

Returns by Official Assignees.

8.
*Of the Messengers.*

XLVI. And with respect to the Messengers, be it enacted, That on the next Two Occasions of a Vacancy in the Office of any Messenger of the Court acting in *London* the Vacancies shall not be filled up; and in such Manner the Number of Messengers acting in *London* shall be reduced to Four.

Number of Messengers acting in London to be reduced to Four.

9.

XLVII. And with respect to the Exemption of Officers and Servants of the Court from serving on Juries, Inquests, and Parochial Offices, be it enacted, That the Chief and every other Registrar, the Accountant, the Master, the Official Assignees, the Messengers and the Ushers, shall be exempt and disqualified from serving any Parochial

Officers, &c. exempt from serving on Juries, &c.

Parochial Office, and from being returned and from serving on any Jury or Inquest, and shall not be inserted in any List of Men qualified or liable to serve as Jurors.

10.
*Of Fees*

And with respect to Fees, be it enacted,

Certain Documents to be written on stamped Vellum, &c., in lieu of Fees.

XLVIII. That every Document enumerated in the Schedule C. to this Act annexed shall, from and after the Commencement of this Act, and in lieu of all Fees thereupon, be printed or written upon Vellum, Parchment, or Paper bearing the Stamp Duty set opposite to such Documents respectively in such Schedule, and having the Word "Bankruptcy" impressed on every such Stamp: Provided always, that where any such Document shall consist of more than One Sheet, only the First Sheet thereof shall be impressed with such Stamp.

Commissioners of Inland Revenue to give the necessary Directions, to keep separate Accounts, &c., and to pay over Monies received to Bank of England

XLIX. That the Commissioners of Inland Revenue shall give the necessary Directions for carrying into effect the Provisions of this Act with respect to Stamp Duties in lieu of Fees, and shall cause separate and distinct Accounts to be kept of all Sums of Money collected or received by them under the Provisions of this Act, and of all Costs, Charges, and Expenses incurred by them or by their Order in carrying the same into effect; and it shall be lawful for the said Commissioners to pay, and to deduct and retain out of such Monies, all such Costs, Charges, and Expenses, and after such Deduction they shall from Time to Time, and in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed, pay over the Monies so to be collected and received into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intituled "The Chief Registrar's Account."

Commissioners of Inland Revenue may appoint Persons for Sale and Distribution of Stamps, and make Allowance for spoiled Stamps

L. That it shall be lawful for the Commissioners of Inland Revenue to appoint such Persons as they may think fit for the Sale and Distribution of Stamps under this Act, and to allow to them such Discount or Poundage upon such Sale or Distribution as may by any General Rule or Order to be made in pursuance of this Act be directed or authorized, and it shall be lawful by any such General Rule or Order to make Regulation for the Allowance of such Stamps issued under the Provisions of this Act as may have been spoiled or rendered useless, or unfit for the Purpose intended, or for which the Owner may have no immediate Use, or which through Mistake or Inadvertence may have been improperly or unnecessarily used, and such Allowance shall be made either by giving other Stamps in lieu of the Stamps so allowed, or by repaying the Amount or Value to the Owner or Holder thereof, after deducting the Discount or Poundage allowed on the Sale of Stamps of the like Kind.

LI. That

10
*Of Fees.*

Provisions of former Acts relating to Stamps to be applied to the Stamps to be provided under this Act.

LI. That the Provisions contained in the several Acts for the Time being in force relating to Stamps under the Care or Management of the Commissioners of Inland Revenue shall (so far as the same are applicable and consistent with the Provisions of this Act), in all Cases not hereby expressly provided for, be of full Force and Effect with respect to the Stamps to be provided under or by virtue of this Act, and to the Vellum, Parchment, or Paper on which the same shall be impressed, and shall be applied and put in execution for collecting and securing the Sums of Money denoted thereby, and for preventing, detecting, and punishing all Frauds, Forgeries, and other Offences relating thereto, as fully and effectually to all Intents and Purposes as if such Provisions had been herein repeated and specially enacted with reference to the said last-mentioned Stamps and Sums of Money respectively.

Documents not to be received unless a Stamp be impressed.

LII. That no Document which by this Act is required to have a Stamp impressed thereon shall be received or filed or be used in relation to any Proceeding in the Court, or be of any Validity for any Purpose whatever, unless or until the same shall have a Stamp impressed thereon: Provided always, that if at any Time it shall appear that any such Document which ought to have had a Stamp impressed thereon has, through Mistake or Inadvertence, been received or filed or used without having such Stamp, it shall be lawful for the Court, if it think fit, to order that such Stamp shall be impressed thereon; and thereupon, when a Stamp shall have been impressed on such Document in compliance with such Order, such Document, and every Proceeding in reference thereto, shall be as valid and effectual as if such Stamp had been impressed thereon in the first instance.

Charge for Office Copies.

LIII. That all Office Copies of Fiats, Petitions, Affidavits, Orders, or other Proceedings shall be charged for and paid at the Rate of Three Halfpence *per* Folio of Ninety Words, and shall be made and delivered out in such Manner as may be directed by any General Rule or Order to be made in pursuance of this Act.

Payment of Percentage by Official Assignees, &c.

LIV. That the Official Assignee of each Bankrupt's Estate, and every Official Assignee appointed by the Court under any Petition for Arrangement between a Debtor and his Creditors, where the Estate and Effects of such Petitioning Debtor shall vest in such Official Assignee, either alone or jointly, in manner herein-after mentioned, shall pay to the Credit of the Account intituled "The Chief Registrar's Account" such Sum, not less than One Eighth of a Pound, and not exceeding Five Pounds *per Centum* on the gross Produce from Time to Time of any such Estate; such Sum, within the Limit aforesaid, and the Time or Times for Payment thereof, to be fixed by the Senior Commissioner, with the Approval of the Lord Chancellor; and the Senior Commissioner, with the like Approval,

10. *Of Fees.*

Approval, may from Time to Time lessen or increase such Sum, within the Limit aforesaid, as may seem just and reasonable, upon Consideration of the Amount from Time to Time standing to the said Account, and of the Claims from Time to Time chargeable thereupon.

If Securities at any Time insufficient to answer the Demands of any Bankrupt, &c., the Sum taken for the Purposes of this Act to be made good by Parliament.

LV. That if at any Time it shall appear that the whole of the Money laid out on Securities, and the Stocks, Funds, and Cash standing in the Name of the Accountant, shall not be sufficient to answer the Demands of any Bankrupt or his Creditors, or other Persons interested therein, then and in such Case the Sum taken for the Purposes and by virtue of this Act shall be considered a Debt due from the Public, and to such Extent as may be necessary shall be answered and made good by Parliament accordingly.

11. *Of Salaries, &c.*

And with respect to the Payment of Salaries, Compensations, and Retiring Annuities, and of Travelling and other Expenses, be it enacted,

Salaries of Commissioners, Officers, &c.

LVI. That the Salaries now paid to the Commissioners, the Lord Chancellor's Secretary of Bankrupts, the Chief and every other Registrar, the Accountant, the Master, and the Clerks to such Secretary, Chief Registrar, Accountant, Master, and Clerk of Enrolments respectively, and the Ushers of the Court, and the Registrar of Meetings, and the Clerk and Trainbearer, Ushers and Assistant Usher, of his Honor the Vice Chancellor sitting in Bankruptcy, shall be paid out of the Account intituled "The Chief Registrar's Account," and the same shall be paid quarterly, free and clear from all Taxes and Deductions whatsoever, except the Tax on Income, on the Eleventh Day of *January*, the Eleventh Day of *April*, the Eleventh Day of *July*, and the Eleventh Day of *October* in every Year, by equal Portions, the first Payment to be made on the Eleventh Day of *January* next; and if any Person for the Time being holding either of the said Offices shall die, resign, or be removed from the same, the Executor or Administrator of the Person so dying, or the Person so resigning or being removed, shall be entitled to receive such proportionable Part of his Salary as shall have accrued during the Time that such Person shall have executed his Office since the last Payment.

Compensations and Annuities under former Acts continued

LVII. That all Compensations and Annuities which shall have been ordered to be paid, and which continue payable under the Provisions of former Acts relating to Bankrupts, and all Retiring Allowances which shall hereafter become payable under such Provisions, shall be charged upon and paid to the Persons entitled thereto out of the Monies and Securities standing to the Credit of the Account intituled "The Chief Registrar's Account," and shall be paid

11. *Of Salaries, &c.*

paid and payable to such Persons during their natural Lives, free from all Taxes except the Tax on Income, in such Manner and on such Days as the Lord Chancellor may have already ordered or may hereafter order; and in case of the Death of any such Person, his Executor or Administrator shall be entitled to receive the proportionate Part of such Annuity which shall have accrued up to the Day of his Decease: Provided always, that if any of them shall be appointed to and accept any public Office or Employment of an annual Value less than the Amount of any such Compensation or Annuity, they, during the Time they may continue in such Office or Employment, shall be entitled to receive only so much of their Compensation or Retiring Annuity as shall, together with the Salary of such new Office or Employment, be equal to such Compensation or Retiring Annuity; and that if any of them shall be appointed to and accept any public Office or Employment the Salary whereof shall equal or exceed in Amount their Compensation or Retiring Annuity, then during the Time of their Continuance in such Office or Employment such Compensation or Retiring Annuity shall altogether cease.

Monies paid to "The Chief Registrar's Account" to be subject to certain Orders heretofore made, and to such Orders as may from Time to Time be made by Lord Chancellor or by the Commissioners Trustees of the Court in Basinghall Street

LVIII. That all Monies paid to the Account intituled "The Chief Registrar's Account" shall be subject to all Orders made before the Commencement of this Act in regard to Monies paid or directed to be paid to the Account intituled "The Secretary of Bankrupts Compensation Account," or to the Account intituled "The Interest arising from the Bankruptcy Fund Account," or to the Account intituled "Fund arising from Fees in Bankruptcy," or with regard to the Monies and Securities standing in the Name of the "Registrar of Meetings," and to such further and other Orders as may from Time to Time be made by the Lord Chancellor for Salaries, Compensations, Retiring Annuities, Services, Rent and Repair of Courts in the Country, the Supply of Law Books and other Books and Stationery necessary for the Use of the Courts, for travelling and other Expenses, and generally for all and every such Expenses incurred in carrying this Act into effect as the Lord Chancellor shall think fit, and also to such Orders as may be made by the Commissioners acting as Trustees of the Piece or Parcel of Ground herein-after mentioned, and of the Building called "The Court of Bankruptcy," situate in *Basinghall Street* in the City of *London*.

Accounts for Stationery, &c. to be audited, &c.

LIX. That all Accounts of the Chief Registrar, Registrars, Accountant, and Master, for Stationery and other incidental Expenses of their respective Offices, shall be audited and allowed by some One of the Commissioners of the Court before any Order for the Payment thereof shall be obtained.

 And

12.
*Of the Buildings for holding the Court.*

And with respect to the Buildings in which Courts are held, be it enacted,

Court of Bankruptcy in Basinghall Street to vest in London Commissioners

LX. That the Piece or Parcel of Ground in *Basinghall Street* in the City of *London*, and the Building called "The Court of Bankruptcy" which has been erected thereon, shall from thenceforth be and the same are hereby vested in the Commissioners of the Court for the Time being acting in *London*, in trust for the Purposes of this Act.

Building to continue to be called "The Court of Bankruptcy," &c.

LXI. That such Building shall continue to be called "The Court of Bankruptcy," and all Sittings of the Court held in *London* in any Matter under this Act, and also all Meetings of Creditors held in *London* under any such Matter, and so held in pursuance of public Advertisement, shall be holden there, unless the Court shall in any Case otherwise direct.

Such Building to be under the Direction of London Commissioners.

LXII. That the Commissioners acting as Trustees of the said Piece or Parcel of Ground and of the Building aforesaid, or the major Part of them, shall give and enforce such Order and Direction for the Occupation and Use of the several Offices or Rooms in the said Building, and for preserving and keeping the said Building and the Rooms and Offices therein or appurtenant thereto in good Condition and Repair, and for insuring and keeping the same insured from Loss or Damage by Fire, as they shall from Time to Time think proper and advisable.

Lord Chancellor may order Repayment of Sums advanced by Treasury, for the Purchase of such Building; and "The Chief Registrar's Account" to be thereafter subject to Orders of Trustees for Expenses, &c.

LXIII. That it shall be lawful for the Lord Chancellor, on the passing of this Act, out of the Monies and Securities then standing to the Credit of the Account intituled "The Unclaimed Dividend Account," to order Repayment to the Treasury of whatever Balance may then be remaining due in respect of the several Sums advanced for the Purchase of the said Piece or Parcel of Ground, and for the Erection and Fitting-up of the said Building; and the Trustees of the said Ground and Building, or the major Part of them, may thereafter, out of the Monies standing to the Credit of the Account to be opened and intituled "The Chief Registrar's Account," order Payment of all Expenses incurred for Coals and Candles for the Use of the said Building, the Expenses of lighting and watching the same, and all Taxes, Rates, and Assessments payable in respect thereof, and of keeping the same in proper Condition and Repair, and of Insurance, and all other annual or occasional and necessary Expenses attending the Establishment, and may also, with the Approval of the Lord Chancellor, order the Payment of any Charges or Expenses that may have been incurred for Surveys or Plans obtained under the Sanction of the Lord Chancellor, and with the view of affording Accommodation to the Official Assignees.

LXIV. That

12. *Of the Buildings for holding the Court.*

Buildings in which Country Courts are held to vest in the Commissioners of such Courts respectively.

LXIV. That the several Buildings which have been provided for the Court of Bankruptcy in the several Districts in the Country shall be used for the Purposes of this Act; and such Buildings, and such as shall hereafter be provided for such Court, in any District in the Country, with the Appurtenances and Effects belonging thereto, shall vest in the respective Commissioners acting in such several Districts for the Time being, in trust for the Purposes of this Act.

13. *Of the Persons liable to become bankrupt.*

And with respect to Persons liable as Traders to become bankrupt, be it enacted,

Enumeration of the Traders liable to become bankrupt.

LXV. That all Alum-makers, Apothecaries, Auctioneers, Bankers, Bleachers, Brokers, Brickmakers, Builders, Calenderers, Carpenters, Carriers, Cattle or Sheep Salesmen, Coach Proprietors, Cowkeepers, Dyers, Fullers, Keepers of Inns, Taverns, Hotels, or Coffee Houses, Limeburners, Livery Stable Keepers, Market Gardeners, Millers, Packers, Printers, Shipowners, Shipwrights, Victuallers, Warehousemen, Wharfingers, Persons using the Trade or Profession of a Scrivener receiving other Men's Monies or Estates into their Trust or Custody, Persons insuring Ships or their Freight or other Matters against Perils of the Sea, and all Persons using the Trade of Merchandize by way of bargaining, Exchange, bartering, Commission, Consignment, or otherwise, in gross or by retail, and all Persons who, either for themselves or as Agents or Factors for others, seek their Living by buying and selling, or by buying and letting for Hire, or by the Workmanship of Goods or Commodities, shall be deemed Traders liable to become bankrupt; provided that no Farmer, Grazier, common Labourer, or Workman for Hire, Receiver General of the Taxes, or Member of or Subscriber to any incorporated Commercial or Trading Company established by Charter or Act of Parliament, shall be deemed as such a Trader liable to become bankrupt.

What Persons not to be deemed such Traders.

Trader having Privilege of Parliament.

LXVI. That if any such Trader having Privilege of Parliament shall commit any Act of Bankruptcy, he may be dealt with under this Act in like Manner as any other Trader; but such Person shall not be subject to be arrested or imprisoned during the Time of such Privilege, except in Cases made Felonies or Misdemeanors by this Act.

14. *Acts of Bankruptcy in general.*

And with respect to Acts of Bankruptcy in general, be it enacted,

Departing the Realm, absenting, beginning to keep House, yielding to Prison, fraudulent Outlawry, Arrest, Attachment, Execution, Conveyance, Surrender, Gift, Delivery, or Transfer.

LXVII. That if any Trader liable to become bankrupt shall depart this Realm, or being out of this Realm shall remain abroad, or shall depart from his Dwelling House or otherwise absent himself, or begin to keep his House, or suffer himself to be arrested or taken in Execution for any Debt not due, or yield himself to Prison,

14. *Acts of Bankruptcy in general.*

Prison, or suffer himself to be outlawed, or procure himself to be arrested or taken in Execution, or his Goods, Money, or Chattels to be attached, sequestered, or taken in Execution, or make or cause to be made, either within this Realm or elsewhere, any fraudulent Grant or Conveyance of any of his Lands, Tenements, Goods, or Chattels, or make or cause to be made any fraudulent Surrender of any of his Copyhold Lands or Tenements, or make or cause to be made any fraudulent Gift, Delivery, or Transfer of any of his Goods or Chattels, every such Trader doing, suffering, procuring, executing, permitting, making, or causing to be made any of the Acts, Deeds, or Matters aforesaid, with Intent to defeat or delay his Creditors, shall be deemed to have thereby committed an Act of Bankruptcy.

Conveyance of all a Trader's Property not an Act of Bankruptcy, unless a Petition for Adjudication be filed within Three Months.

LXVIII. That if any such Trader shall execute any Conveyance or Assignment by Deed of all his Estate and Effects to a Trustee or Trustees for the Benefit of all the Creditors of such Trader the Execution of such Deed shall not be deemed an Act of Bankruptcy, unless a Petition for Adjudication of Bankruptcy be filed within Three Months from the Execution thereof, provided such Deed shall be executed by every such Trustee within Fifteen Days after the Execution thereof by the Trader, and the Execution by the Trader and by every such Trustee be attested by an Attorney or Solicitor, and Notice thereof be given within One Month after the Execution thereof by such Trader, in case such Trader reside in *London* or within Forty Miles thereof, in the *London Gazette*, and also in Two *London* daily Newspapers, and in case such Trader does not reside within Forty Miles of *London*, then in the *London Gazette* and in One *London* daily Newspaper and One Provincial Newspaper published near to such Trader's Residence; and such Notice shall contain the Date and Execution of such Deed, and the Name and Place of Abode respectively of every such Trustee and Attorney or Solicitor.

Lying in Prison, and escaping out of Prison.

LXIX. That if any such Trader, having been arrested or committed to Prison for Debt, or on any Attachment for Nonpayment of Money, shall upon such or any other Arrest or Commitment for Debt or Nonpayment of Money, or upon any Detention for Debt, lie in Prison for Twenty-one Days, or, having been arrested or committed to Prison for any other Cause, shall lie in Prison for Twenty-one Days after any Detainer for Debt lodged against him, and not discharged, every such Trader shall thereby be deemed to have committed an Act of Bankruptcy; or if any such Trader, having been arrested, committed, or detained for Debt, shall escape out of Prison or Custody, every such Trader shall be deemed to have thereby committed an Act of Bankruptcy from the Time of such Arrest, Commitment, or Detention.

LXX. That

II. *Acts of Bankruptcy in general.*

LXX. That if any such Trader shall file in the Office of the Lord Chancellor's Secretary of Bankrupts a Declaration in Writing in the Form contained in Schedule D. to this Act annexed, signed by such Trader, and attested by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Trader shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Petition for Adjudication of Bankruptcy shall be filed by or against such Trader within Two Months from the filing of such Declaration.

Filing a Declaration of Insolvency in the Office of the Secretary of Bankrupts.

LXXI. That if any such Trader, after the issuing of any Fiat or filing of any Petition for Adjudication of Bankruptcy against him, shall pay Money to the Petitioning Creditor, or give or deliver to such Petitioning Creditor any Satisfaction or Security for his Debt or for any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debt than the other Creditors, such Payment, Gift, Delivery, Satisfaction, or Security shall be an Act of Bankruptcy; and if Adjudication of Bankruptcy shall have been made under such Fiat or Petition, the Court may either declare such Adjudication to be valid, and direct the same to be proceeded in, or may order it to be annulled, and a Petition or new Petition for Adjudication may be filed, and such Petition or new Petition may be supported either by Proof of such last-mentioned or any other Act of Bankruptcy.

Compounding with Petitioning Creditor.

Adjudication may either be annulled or declared valid.

LXXII. That if any Plaintiff shall recover Judgment in any Action Personal for the Recovery of any Debt or Money Demand, in any of Her Majesty's Courts of Record, against any such Trader, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off against such Judgment, and such Trader shall not, within Seven Days after Notice in Writing personally served upon such Trader, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of such Notice: Provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice, but that it shall be lawful nevertheless for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner aforesaid.

Trader not paying, securing or compounding for a Judgment Debt, upon which the Plaintiff might sue out Execution, within Seven Days after Notice requiring Payment

LXXIII. That if any Decree or Order shall be pronounced in any Cause depending in any Court of Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy, against any such Trader, ordering

Trader disobeying Order of a Court of Equity, &c. for Payment of Money, after Service of peremptory Order for Payment on a certain Day.

14. *Acts of Bankruptcy in general*

ordering such Trader to pay any Sum of Money, and such Trader shall disobey such Decree or Order, the same having been duly served upon him, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Trader, being personally served with such last-mentioned Order Seven Days before the Day therein appointed for Payment of such Money, shall neglect to pay the same, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after the Service of such Order.

Filing Petition in Insolvent Debtors Court in England.

LXXIV. That the filing of a Petition in the Court for the Relief of Insolvent Debtors in *England* by any such Trader who shall be in actual Custody for his Discharge from Custody, and who shall apply by Petition to such Court for his Discharge from Custody, according to the Laws for the Relief of Insolvent Debtors in *England*, shall be deemed to be an Act of Bankruptcy from the Time of filing such Petition; and any Petition for Adjudication of Bankruptcy filed against such Trader, and under which he shall be adjudged bankrupt, before the Time appointed by the said Court for the Relief of Insolvent Debtors, and advertised in the *London Gazette*, for such Prisoner to be brought up to be dealt with according to the Laws for Relief of Insolvent Debtors in *England*, or at any Time within Two Months from the Time of making any Order vesting the Estate and Effects of any such Prisoner in the Provisional Assignee of such Court, whether upon the Petition of such Prisoner or the Petition of a Creditor, shall have the Effect of divesting the Real and Personal Estate and Effects of such Person out of the Provisional Assignee: Provided always, that the filing of such Petition shall not be deemed an Act of Bankruptcy, unless such Trader be adjudged bankrupt before the Time so advertised as aforesaid, or within such Two Months as aforesaid.

Filing Petition in Insolvent Debtors Court in India. 11 & 12 Vict. c. 21

LXXV. That the filing of a Petition under an Act passed in the Eleventh Year of the Reign of Her present Majesty, intituled *An Act to consolidate and amend the Laws relating to Insolvent Debtors in* India, by any Trader liable to become bankrupt under this Act, and the Adjudication of an Act of Insolvency under that Act, shall, for the Purposes of this Act, be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, or of filing the Petition on which the Adjudication of an Act of Insolvency shall be made; and any Creditor or Creditors of such Trader whose Debt or Debts shall be of sufficient Amount to enable him or them to petition for Adjudication of Bankruptcy under this Act may, at any Time within Two

Two Months after Notice of the Insolvency shall have been given in the *London Gazette* as directed by the said Act for amending the Laws relating to Insolvent Debtors in *India*, petition for Adjudication of Bankruptcy under this Act against such Trader, under which Petition all such Proceedings may be had and taken as are authorized and directed by this Act, subject to such Exceptions and Provisions as are contained in the last-mentioned Act in this Behalf.

14. *Acts of Bankruptcy in general.*

Filing Petition for Arrangement between a Trader Debtor and his Creditors.

LXXVI. That the filing of a Petition by any such Trader for an Arrangement between such Trader and his Creditors, under the Provisions of this Act with respect to Arrangements between Debtor and Creditor under the Superintendence and Control of the Court, shall be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, provided a Petition for Adjudication of Bankruptcy shall be filed against him within Two Months after such Petition for Arrangement shall have been dismissed: Provided also, that no Adjudication shall be made on any such Act of Bankruptcy unless and until after such Petition for Arrangement shall have been dismissed.

Trader having Privilege of Parliament, not paying or compounding to the Satisfaction of the Creditor, and entering Appearance to Action within One Month.

LXXVII. That if any Creditor or Creditors of any such Trader having Privilege of Parliament to an Amount herein-after declared to be requisite to support a Petition for Adjudication of Bankruptcy, shall file an Affidavit in any Court of Record at *Westminster* that such Debt is justly due to him, and that such Debtor, as he verily believes, is such Trader, and shall sue out of the same Court a Writ of Summons, in the Form contained in Schedule E. to this Act annexed, against such Trader, and serve him with a Copy of such Summons, if such Trader shall not, within One Month after personal Service of such Summons, pay, secure, or compound for such Debt to the Satisfaction of such Creditor or Creditors, or enter into a Bond in such Sum, and with Two sufficient Sureties, as any of the Judges of the Court out of which such Summons shall issue shall approve of, to pay such Sum as shall be recovered in such Action, together with such Costs as shall be given in the same, and within One Month next after personal Service of such Summons cause an Appearance to be entered to such Action in the proper Court in which the same shall have been brought, every such Trader shall be deemed to have committed an Act of Bankruptcy from the Time of the Service of such Summons.

15. *Acts of Bankruptcy by Nonpayment after Summons.*

And with respect to Acts of Bankruptcy by reason of Nonpayment after Summons of the Court, and the Proceedings thereupon, be it enacted,

Creditor making Affidavit of his Debt, and of his having given Notice requiring immediate Payment, &c., Court may summon the Trader.

LXXVIII. That if any Creditor of any such Trader shall file an Affidavit in the Court in the District in which such Trader shall reside, in

15. *Acts of Bankruptcy by Nonpayment after Summons.*

in the Form specified in Schedule F. hereunto annexed, of the Truth of his Debt, and of the Debtor, as he verily believes, being such Trader, and of the Delivery to such Trader personally, or to some adult Inmate at his usual or last known Place of Abode or Business, of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form specified in Schedule G. annexed to this Act, it shall be lawful for the Court in which such Affidavit shall be filed to issue a Summons in Writing, in the Form contained in Schedule H. annexed to this Act, calling upon such Trader to appear before such Court, and stating in such Summons the Purpose for which such Trader is called upon to appear as herein-after provided: Provided always, that if the Demand of a Creditor appear by such Affidavit to be due from Two or more Persons carrying on Trade in Partnership, the Delivery of such Account and Notice to any One of the Partners personally, or to some adult Inmate at his usual or last known Place of Abode or Business, and also at the Place of Business of the Firm, as aforesaid, shall be sufficient to authorize the Court to issue such Summons against any other of such Partners, as well as against the Partner served personally with such Account and Notice.

Delivery, Notice, &c. in Cases of Partnership.

Manner of proceeding upon the Appearance of the Trader.

LXXIX. That upon the Appearance of any such Trader so summoned as aforesaid it shall be lawful for the Court to require him to state whether or not he admits the Demand of the Creditor, or any and what Part thereof, and if such Trader shall admit such Demand, or any Part thereof, to reduce such Admission into Writing in the Form contained in Schedule I. annexed to this Act; and such Admission so reduced into Writing such Trader is hereby required to sign, and, being so signed, the same shall thereupon be filed in such Court; and it shall also be lawful for the Court to allow such Trader upon his said Appearance to make a Deposition upon Oath, in Writing under his Hand, to be filed in such Court, in the Form contained in Schedule J. annexed to this Act, that he verily believes he has a good Defence upon the Merits to such Demand, or to some and what Part thereof; and in such Case it shall be lawful for the Court at the same Time to require such Trader to enter into a Bond, according to the Form contained in the Schedule K. to this Act annexed, in such Sum and with such Two sufficient Sureties as the Court shall approve of, to pay such Sum or Sums as shall be recovered together with such Costs as shall be given in any Action which shall have been or shall be brought for the Recovery of such Demand, or of any Part thereof in respect of which such Deposition shall be made.

Trader not attending Summons, or refusing to admit the Demand,

LXXX. That if any such Trader so summoned as aforesaid shall not come before the Court at the Time appointed (having no lawful

lawful Impediment made known to and proved to the Satisfaction of the Court, and allowed), or if any such Trader, upon his Appearance to such Summons, or at any Enlargement or Adjournment thereof, shall refuse to admit such Demand, and shall not make a Deposition, in the Form aforesaid, that he believes he has a good Defence upon the Merits to such Demand, or some Part thereof, and (if required by the Court so to do) enter into such Bond as last aforesaid, then and in either of the said Cases, if such Trader shall not, within Seven Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for such Demand to the Satisfaction of such Creditor, or enter into a Bond, in such Sum and with Two sufficient Sureties as such Court shall approve of, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in such Action, as the Case may be, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of such Summons, provided a Petition for Adjudication of Bankruptcy shall be filed against such Trader within Two Months from the filing of such Affidavit.

&c., and not paying or compounding within a certain Time, or giving Bond for Payment of the same if recovered in an Action, &c. with Costs, to be an Act of Bankruptcy.

LXXXI. That if any such Trader so summoned as aforesaid shall upon his Appearance sign and file an Admission of such Demand in Form aforesaid, and shall not within Seven Days next after the filing of such Admission pay or tender and offer to pay to such Creditor the Amount of such Demand, or secure or compound for the same to the Satisfaction of the Creditor, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after the filing of such Admission, provided a Petition for Adjudication of Bankruptcy shall be filed against such Trader within Two Months from the filing of such Affidavit.

Trader signing Admission, and not paying, securing, or compounding within a certain Time, an Act of Bankruptcy.

LXXXII. That if any such Trader so summoned as aforesaid shall upon his Appearance sign an Admission for Part only of such Demand in the Form aforesaid, and shall not make a Deposition in the Form aforesaid that he believes he has a good Defence upon the Merits to the Residue of such Demand, and (if required by the Court so to do) enter into such Bond as aforesaid to pay such Sum or Sums as shall be recovered, together with such Costs as shall be given in any such Action as aforesaid for the Recovery of such Residue, then and in such Case, if such Trader, as to the Sum so admitted, shall not, within Seven Days next after the filing of such Admission, pay or tender and offer to pay to such Creditor the Sum so admitted, or secure or compound for the same to the Satisfaction of the Creditor, and as to the Residue of such Demand shall

Trader admitting Part only of a Demand, &c. and the Trader not paying, &c the Sum admitted, and as to Residue not paying the same, &c., or giving Bond to pay the same if recovered in an Action, with Costs, an Act of Bankruptcy.

15. *Acts of Bankruptcy by Nonpayment after Summons.*

shall not, within Seven Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for the same to the Satisfaction of such Creditor, or enter into a Bond, in such Sum and with Two sufficient Sureties as the Court shall approve of, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in such Action, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Eighth Day after Service of such Summons, provided a Petition for Adjudication of Bankruptcy shall be filed against such Trader within Two Months from the filing of such Affidavit.

What shall be deemed a Refusal to admit of Debt.

LXXXIII. That if any such Trader so summoned as aforesaid shall upon his Appearance refuse to sign the Admission in that Behalf required, whatever may be the Nature of his Statement, or whether he makes any Statement or not, it shall be deemed, for the Purposes of this Act, that every such Trader thereby refuses to admit such Demand: Provided always, that it shall be lawful for the Court, upon reasonable Cause shown, to enlarge the Time for calling upon such Trader to state whether or not he admits such Demand, or any Part thereof, and for entering into such Bond, or for any or either of such Matters, for such Time as the Court shall think fit.

Court may enlarge the Time for Admission or entering into Bond, &c.

Admission of Debt signed elsewhere than in Court, if attested by Trader's Attorney, to have the same Force as an Admission signed in Court.

LXXXIV. That an Admission of any Debt made after such Summons, and signed by any such Trader elsewhere than before the Court, may be filed in Court, and shall be of the same Force and Effect to all Intents and Purposes as an Admission signed by such Trader on his Appearance in Court, provided such Admission be made in the Form contained in Schedule L. to this Act annexed, and there be present some Attorney of one of Her Majesty's Superior Courts of Law on behalf of such Trader, expressly named by him and attending at his Request, to inform him of the Effect of such Admission before the same is signed by such Trader, and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and state therein that he subscribes as such Attorney.

Court may award Costs to the Creditor, or the Trader summoned

LXXXV. That where any such Trader against whom an Affidavit of Debt is filed by any Creditor as aforesaid shall be summoned to appear before the Court in which such Affidavit shall be filed, every such Creditor or Trader shall have such Costs as the Court in its Discretion shall think fit, or the Court may direct the Costs of either Party of, incident to, or attendant upon such Affidavit and Summons to abide the Event of any Action which shall have been brought or shall thereafter be brought for the Recovery of such De-

mand or any Part thereof, and in such Case such Costs shall be Costs in the Cause, and recovered under the Judgment and Execution in such Action.

15. *Acts of Bankruptcy by Nonpayment after Summons*

If Creditor bring an Action, and do not recover the Amount sworn to in his Affidavit of Debt, and if the Affidavit be made for such Amount without probable Cause, the Defendant in the Action shall be entitled to Costs.

LXXXVI. That in every Action brought after the Commencement of this Act, wherein any such Creditor is Plaintiff and any such Trader is Defendant, and wherein the Plaintiff shall not recover the full Amount of the Sum for which he shall have filed an Affidavit of Debt as aforesaid, such Defendant shall be entitled to Costs of Suit, to be taxed according to the Custom of the Court in which such Action shall have been brought, provided that it shall be made appear to the Satisfaction of the Court in which such Action is brought, upon Motion to be made in Court for that Purpose, and upon hearing the Parties by Affidavit, that the Plaintiff in such Action had not any reasonable or probable Cause for making such Affidavit of Debt in such Amount as aforesaid, and provided such Court shall thereupon, by Rule or Order, direct that such Costs shall be allowed to the Defendant; and the Plaintiff shall, upon such Rule or Order being made, be disabled from taking out any Execution for the Sum recovered in any such Action, unless the same shall exceed (and then in such Sum only as the same shall exceed) the Amount of the taxed Costs of the Defendant in such Action; and in case the Sum recovered in any such Action shall be less than the Amount of the Costs to be taxed as aforesaid of the Defendant, then the Defendant shall be entitled, after deducting the Sum of Money recovered by the Plaintiff in such Action from the Amount of his Costs so to be taxed, to take out Execution for such Costs in like Manner as a Defendant may now by Law have Execution for Costs in other Cases.

16. *General Provisions with respect to Acts of Bankruptcy.*

Notice of Acts of Bankruptcy to Agents of Corporate Bodies, &c.

LXXXVII. And be it enacted, That if any accredited Agent of any Body Corporate or public Company shall have had Notice of any Act of Bankruptcy, such Body Corporate or Company shall be deemed to have had such Notice.

No Person liable upon an Act of Bankruptcy committed more than Twelve Months before Fiat, &c.

LXXXVIII. And be it enacted, That no Person shall be liable to become bankrupt by reason of any Act of Bankruptcy committed more than Twelve Months prior to the issuing of any Fiat in Bankruptcy or the filing of any Petition for Adjudication of Bankruptcy against him, and that no Adjudication of Bankruptcy shall be deemed invalid by reason of any Act of Bankruptcy prior to the Debt of the Petitioning Creditor, provided there be a sufficient Act of Bankruptcy subsequent to such Debt.

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Proceedings in Bankruptcy to originate by Petition to the Court of Bankruptcy without Fiat, &c.

And with respect to the Proceedings before Adjudication of Bankruptcy, be it enacted,

LXXXIX. That Proceedings to obtain Adjudication of Bankruptcy shall be by Petition (such Petition, if presented by a Creditor, being in the

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the Form specified in the Schedule M. to this Act annexed, and the Truth thereof verified by the Affidavit of the Petitioner in the Form specified in the Schedule N. to this Act annexed, and if presented by a Trader, being in the Form specified in the Schedule O. to this Act annexed, and the Truth thereof verified by the Affidavit of such Trader in the Form specified in the Schedule N. to this Act annexed); and every such Petition shall be filed of Record and prosecuted as directed by this Act; and from and after the filing of such Petition the Court shall by virtue of this Act, and without any Commission, Fiat, or special Authority whatsoever, have full Power and Authority to take such Order and Direction with the Body of the Bankrupt as mentioned in this Act, as also with all his Lands, Tenements, and Hereditaments, both within this Realm and abroad, as well Copy or Customary hold as Freehold, which he shall have in his own Right before he became bankrupt, as also with all such Interest in any such Lands, Tenements, and Hereditaments as such Bankrupt may lawfully depart withal, and with all his Money, Fees, Offices, Annuities, Goods, Chattels, Wares, Merchandize, and Debts, wheresoever they may be found or known, and to make or order Sale thereof in manner herein mentioned, or otherwise order the same for Satisfaction and Payment of the Creditors of the Bankrupt.

Petition to be filed and prosecuted in the Court for the District in which the Trader shall have resided or carried on Business for Six Months next before Petition, except upon Special Order

XC. That every Petition for Adjudication of Bankruptcy against or by any Trader liable to become bankrupt shall be filed and prosecuted in the Court within the District of which such Trader shall have resided or carried on Business for Six Months next immediately preceding the Time of filing such Petition, except where otherwise in this Act specially provided: Provided always, that the Senior Commissioner shall have Power, whenever he may deem it expedient, to order any Petition against or by any Trader to be prosecuted in any District with or without reference to the District in which the Trader shall have resided or carried on Business, or to consolidate the Proceedings or any Part thereof under Two or more Petitions for Adjudication of Bankruptcy, or to impound any Petition for Adjudication of Bankruptcy, and the Proceedings thereunder, or any Part thereof, upon such Terms as the Senior Commissioner shall think fit, or to transfer any Petition for Adjudication of Bankruptcy, and the Proceedings thereunder, and the Prosecution or the further Prosecution thereof, from the Court in any one District to the Court in any other District, and the Court to which any such Transfer shall be made may remove the Official Assignee, and appoint a new Official Assignee to any such Bankruptcy; and any such Order by the Senior Commissioner may be in such of the Forms contained in the Schedules P., Q., or R. to this Act annexed as may be adapted to the Case, or to the like Effect.

XCI. That

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Amount of Petitioning Creditor's Debt.

XCI. That the Amount of the Debt of any Creditor petitioning for Adjudication of Bankruptcy shall be as follows; that is to say, the single Debt of such Creditor, or of Two or more Persons being Partners, so petitioning, shall amount to Fifty Pounds or upwards, and the Debt of Two Creditors so petitioning shall amount to Seventy Pounds or upwards, and the Debt of Three or more Creditors so petitioning shall amount to One hundred Pounds or upwards; and every Person who has given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed an Act of Bankruptcy, may so petition or join in petitioning, whether he shall have had any Security in Writing for such Sum or not.

Such Debt may be payable at a future Time, although Security given.

Petition for Adjudication may be made by the public Officer of certain Copartnerships.

XCII. That a Petition for Adjudication of Bankruptcy against any Trader indebted in the Amount aforesaid to any Copartnership duly authorized to sue and be sued in the Name of a public Officer of such Copartnership may be filed by such public Officer as the nominal Petitioner for and on behalf of such Copartnership.

Trader may petition for Adjudication of Bankruptcy against himself.

XCIII. That any Trader liable to become bankrupt may petition for Adjudication of Bankruptcy against himself; provided always, that unless such Trader shall forthwith after the filing of his Petition, and before Adjudication of Bankruptcy thereunder, make it appear to the Satisfaction of the Court that his available Estate is sufficient to pay his Creditors at least Five Shillings in the Pound, clear of all Charges (to be estimated by the Court) of prosecuting the Bankruptcy, such Petition shall be dismissed, and no further Petition shall be filed by such Trader in the same District without the Leave of the Court first obtained for that Purpose, and the Adjudication on any further Petition shall be subject to the like Condition as aforesaid as to the available Estate of the Trader.

Where Petitions for Adjudication are to be filed.

Docket Book.

Allotment of Petitions.

XCIV. That every Petition for Adjudication of Bankruptcy presented to the Court in *London* shall be filed in the Office of the Chief Registrar, and such Chief Registrar shall immediately cause the same to be entered in a Book to be kept by him for that Purpose, to be called the General Docket Book (which Book shall be in the Form contained in Schedule S.); and every such Petition shall be allotted, in such Manner as may by any General Rule or Order made in pursuance of this Act be directed, to One of the Commissioners of the Court, and it shall be transmitted forthwith to the Registrar attending such Commissioner, who, when Adjudication shall have been made, shall deliver to the Chief Registrar a Duplicate of such Adjudication, in order that the same may be minuted in the General Docket Book; and all Petitions presented to the Court in the Country Districts shall be filed with the respective Registrars thereof, who shall in like Manner enter the same in similar Docket Books (one of which shall be kept in

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each Court), and in Districts where there is more than One Commissioner One of such Commissioners or One of the Registrars shall allot the Petitions by Ballot, or in such Manner as the Commissioners of such District Court may from Time to Time direct.

Registrars to transmit Copies of Entries, Adjudications, &c. to Chief Registrar.

XCV. That the Registrars acting in the Country shall transmit daily by Post to the Chief Registrar Copies of all Entries made by them in their Docket Books, and of all Adjudications made in the respective District Courts, and the Chief Registrar shall immediately on the Receipt thereof cause the same to be entered in the General Docket Book; and when any Fiat or Petition in Prosecution in any of the Courts, or any Adjudication of Bankruptcy made therein, shall have been superseded, dismissed, or annulled, or when the Time allowed to any Petitioning Creditor for proceeding shall have been extended, the Registrar in attendance on the Commissioner making such Order shall forthwith transmit a certified Copy thereof to the Chief Registrar, who shall cause the same to be minuted in the General Docket Book.

If Adjudication be not obtained within Three Days after Petition, any other Creditor may proceed on it.

XCVI. That if the Petitioning Creditor in any Petition for Adjudication of Bankruptcy shall not proceed and obtain Adjudication within Three Days after his Petition shall have been filed, or within such extended Time as shall be allowed by the Court, the Court may at any Time within Fourteen Days then next following, upon the Application of any other Creditor to the Amount required to constitute a Petitioning Creditor, proceed to adjudicate on such Petition, upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Petition (except the Debt of the Petitioning Creditor); but if neither the Petitioner nor any other Creditor shall within such Fourteen Days, or within such extended Time as may be granted by the Court for that Purpose, apply to the Court to adjudicate upon such Petition, no further Proceeding shall be taken thereon.

Petitions may be presented against One or more Partners in a Firm; and Petitions against Two or more Persons may be dismissed as to One or more, without affecting the rest.

XCVII. That any Creditor whose Debt is sufficient to entitle him to petition for Adjudication of Bankruptcy against all the Partners of any Firm may petition for such Adjudication against One or more Partners of such Firm, and every such Petition shall be valid, although it does not include all the Partners of the Firm; and in every Petition for Adjudication against Two or more Persons the Court may dismiss the same as to One or more of such Persons, and the Validity of such Petition shall not be thereby affected as to any Person as to whom such Petition is not ordered to be dismissed, nor shall any such Person's Certificate be thereby affected.

In Cases of a Second or other Petition against One or more Members of a Firm, the same shall be

XCVIII. That after a Fiat issued, or a Petition for Adjudication of Bankruptcy filed, against or by One or more Member or Members of a Firm, any Petition or Petitions for Adjudication of Bankruptcy against

against or by any other Member or Members of such Firm shall be filed and prosecuted in the Court in which the first Fiat or Petition was prosecuted; and immediately after the Adjudication under such other Petition or Petitions all the Estate Real and Personal of such Bankrupt or Bankrupts shall vest in the Official Assignee and the Creditors Assignee (if any) under the first Fiat or Petition; and thereafter all separate Proceedings under such Petition or Petitions shall be stayed; and such Petition or Petitions shall, without affecting the Validity of the first Fiat or Petition, be annexed to and form Part of the same; provided that the Senior Commissioner may direct that such other Petition or Petitions shall be filed and prosecuted in any other Court, or be proceeded in either separately or in conjunction with the first Fiat or Petition; and such Direction shall be made by a Memorandum to that Effect endorsed on such Petition or Petitions, and under the Hand of the Senior Commissioner.

prosecuted in the Court in which the first was prosecuted, &c

XCIX. That whenever any Petition for Adjudication of Bankruptcy shall have been filed against any Person, and it shall be proved to the Satisfaction of the Court that there is probable Cause for believing that such Person is about to quit *England*, or to remove or conceal any of his Goods or Chattels, with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for the Court to issue a Warrant, directed to a Messenger of the Court and his Assistants, or to such Person or Persons as the Court shall think fit, whereby such Messenger and his Assistants, or other Person or Persons, shall have Authority to arrest the Person against whom such Petition shall have been filed, and also to seize his Books, Papers, Monies, Securities for Monies, Goods and Chattels, wheresoever he or they may be found, and him and them safely keep until the Expiration of the Time allowed for Adjudication on such Petition, or until such Person shall be adjudged bankrupt under such Petition, and be thereon dealt with according to this Act: Provided always, that any Person arrested upon any such Warrant, or any Person whose Books, Papers, Monies, Securities for Monies, Goods or Chattels, have been seized under any such Warrant, may apply, at any Time after such Arrest or Seizure, to the Court, for an Order or Rule on the Petitioning Creditor to show Cause why the Person arrested should not be discharged out of Custody, or why his Books, Papers, Monies, Securities for Monies, Goods and Chattels, should not be delivered up to him; and it shall be lawful for such Court to make absolute or discharge such Order or Rule.

In case Trader against whom a Petition has been filed be about to quit England, or to remove or conceal his Goods, with Intent to defraud Creditors, he may be arrested, and his Goods seized.

Trader so arrested may apply to the Court for his Discharge forthwith.

C. That the Court, before Adjudication, may summon before it any Person whom such Court shall believe capable of giving any Information concerning the Trading of or any Act of Bankruptcy committed by the Person against whom any Petition for Adjudication of

Court may before Adjudication summon Witnesses to prove Trading and Act of Bankruptcy.

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of Bankruptcy has been filed, and may require any Person so summoned to produce any Books, Papers, Deeds, and Writings, and other Documents, in his Custody, Possession, or Power, which may appear to the Court to be necessary to establish such Trading or Act of Bankruptcy; and it shall be lawful for the Court to examine any such Person upon Oath, by Word of Mouth, or Interrogatories in Writing, concerning such Trading and Act of Bankruptcy.

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And with respect to the Adjudication of Bankruptcy, and the Proceedings for securing the Property and Surrender of the Bankrupt, be it enacted,

Court to make Adjudication, &c. upon certain Proofs, &c.

CI. That the Court, under a Petition filed by a Creditor, shall, upon Proof of the Petitioning Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, adjudge such Person bankrupt; or if in case of the Failure of the Petitioning Creditor to proceed and obtain Adjudication within Three Days after his Petition shall have been filed, or within such extended Time as may be allowed by the Court, another Creditor shall apply for Adjudication upon such Petition, then upon such Application, and Proof of such Creditor's Debt, and of the Trading and Act of Bankruptcy of the Person against whom such Petition is filed, the Court shall adjudge such Trader bankrupt; and, under a Petition filed by a Trader, the Court, upon the Application of such Trader, and upon Proof of the Trading and of the filing a Declaration of Insolvency, and of the Sufficiency of his available Estate to the Extent required by this Act, shall adjudge such Trader bankrupt.

Appointment of Official Assignee.

CII. That forthwith after Adjudication the Court shall appoint an Official Assignee to act as herein-before provided in this Behalf.

In case Petitioning Creditor's Debt be insufficient, Court may proceed upon the Application of any other Creditor whose Debt is sufficient.

CIII. That if after Adjudication of Bankruptcy the Debt of the Petitioning Creditor be found by the Court to be insufficient to support such Adjudication, it shall be lawful for the Court, upon the Application of any other Creditor having proved any Debt sufficient to support an Adjudication, to order the Petition for Adjudication of Bankruptcy to be proceeded in, and it shall by such Order be deemed valid, which Order may be in the Form contained in the Schedule (T.) to this Act annexed, or to the like Effect.

Bankrupt to have Notice thereof before Advertisement of Adjudication, and to be allowed Seven Days, or such extended Time, not exceeding Fourteen Days, as the Court shall think fit, to show Cause against Adjudication

CIV. That before Notice of any Adjudication of Bankruptcy shall be given in the *London Gazette*, and at or before the Time of putting in execution any Warrant of Seizure which shall have been granted upon such Adjudication, a Duplicate of such Adjudication shall be served on the Person adjudged bankrupt, personally, or by leaving the same at the usual or last known Place of Abode or Place of Business of such Person; and such Person shall be allowed Seven



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Days, or such extended Time, not exceeding Fourteen Days in the whole, as the Court shall think fit, from the Service of such Duplicate, to show Cause to the Court against the Validity of such Adjudication; and if such Person shall within such Time show to the Satisfaction of the Court that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which such Adjudication has been grounded, or any or either of such Matters, are insufficient to support such Adjudication, and upon such showing no other Creditor's Debt, Trading, and Act of Bankruptcy sufficient to support such Adjudication, or such of the said last-mentioned Matters as shall be requisite to support such Adjudication, in lieu of the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy or any or either of such Matters, which shall be deemed insufficient in that Behalf, as the Case may be, shall be proved to the Satisfaction of the Court, the Court shall thereupon order (in the Form contained in Schedule U. to this Act annexed, or to the like Effect,) such Adjudication to be annulled, and the same shall by such Order be annulled accordingly; but if at the Expiration of the said Time no Cause shall have been shown to the Satisfaction of the Court for the annulling of such Adjudication, the Court shall, forthwith after the Expiration of such Time, cause Notice of such Adjudication to be given in the *London Gazette*, and shall thereby appoint Two public Sittings of the Court for the Bankrupt to surrender and conform, the last of which Sittings shall be on a Day not less than Thirty Days and not exceeding Sixty Days from such Advertisement, and shall be the Day limited for such Surrender: Provided always, that the Court shall have Power from Time to Time to enlarge the Time for the Bankrupt surrendering himself for such Time as the Court shall think fit, so as every such Order be made Six Days at least before the Day on which such Bankrupt was to surrender himself: Provided also, that if any Person so adjudged bankrupt shall, before the Expiration of the Time allowed for showing Cause, surrender himself, and give his Consent, testified in Writing under his Hand, to such Adjudication being advertised, the Court, after such Consent so given, shall forthwith cause the Notice of Adjudication to be advertised, and appoint the Sittings for the Bankrupt to surrender and conform.

Adjudication may, with Bankrupt's Consent, be advertised before the Expiration of the Time allowed for showing Cause.

CV. That forthwith after the Insertion of the Notice of Adjudication in the Gazette, or, if the Bankrupt before the Expiration of the Time allowed for showing Cause against the Adjudication surrender himself and give Consent to such Insertion, forthwith after such Surrender, the Bankrupt shall (if thereto required by the Official Assignee) deliver up to the Official Assignee upon Oath before the Court, or before a Master Ordinary or Extraordinary in Chancery, or Justice of the Peace, all Books of Account, Papers, and Writings relating to his Estate in his Custody or Power, and discover such as

Bankrupt to deliver up his Books of Account to the Official Assignee upon Oath;

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to attend Assignees;

are in the Custody or Power of any other Person; and every Bankrupt, not in Prison or Custody, shall at all Times after such Surrender attend the Assignees, upon every reasonable Notice in Writing for that Purpose given by them to him or left at his usual or last known Place of Abode, and shall assist such Assignees in making out the Accounts of his Estate; and such Bankrupt, after he shall have surrendered, may at all seasonable Times before the Expiration of such Time as shall be allowed to him to finish his Examination, inspect his Books, Papers, and Writings in the Presence of his Assignees, or any Person appointed by them, and bring with him each Time any Two Persons to assist him; and every such Bankrupt, after he shall have obtained his Certificate, shall, upon Demand in Writing given to him or left at his usual or last known Place of Abode, attend the Assignees to settle any Accounts between his Estate and any Debtor to or Creditor thereof, or attend any Court of Record to give Evidence touching the same, or do any Act necessary for getting in or protecting the said Estate, for which Attendance he shall be paid Five Shillings *per* Day by the Official Assignee out of his Estate.

to be at liberty to inspect Books, &c.;

after Allowance of Certificate, to attend Assignees in settling Accounts.

Allowance for Attendance.

Search Warrants may be granted.

CVI. That in all Cases where it shall be made to appear to the Satisfaction of the Court that there is Reason to suspect and believe that any Property of any Bankrupt is concealed in any House or other Place not belonging to such Bankrupt, the Court may grant a Search Warrant to the Messenger and his Assistants, or other Person appointed by the Court, and it shall be lawful for such Messenger and his Assistants, or other Person, to execute such Warrant according to the Tenor thereof; and such Messenger and his Assistants, or other Person, shall be entitled to the same Protection as is allowed by Law in execution of a Search Warrant for Property reputed to be stolen or concealed; and every such Search Warrant shall be in the Form contained in Schedule V. to this Act annexed, or to the like Effect.

No Action to be brought against Persons acting in obedience to Warrant of the Court

CVII. That no Action shall be brought against any Messenger or his Assistants, or other Person appointed by the Court, for anything done in obedience to any Warrant of the Court, unless Demand of the Perusal and Copy of such Warrant hath been made or left at the usual Place of Abode of such Messenger or his Assistant, or other Person, by the Party intending to bring such Action, or by his Attorney or Agent, in Writing signed by the Party demanding the same, and unless the same hath been refused or neglected for Six Days after such Demand; and if after such Demand, and Compliance therewith, any Action be brought against such Messenger or Assistant, or Person so appointed, without making the Petitioning Creditor Defendant, if living, the Jury, at the Trial of such Action, on

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on the Production and Proof of such Warrant, shall give their Verdict for the Defendant, notwithstanding any Defect of Jurisdiction in the Court by which such Warrant shall have been granted; and if such Action be brought against the Petitioning Creditor and the Messenger or Assistant or Person so appointed, the Jury shall, on Proof of such Warrant, give their Verdict for such Messenger or Assistant, or Person so appointed, notwithstanding any such Defect of Jurisdiction; and if the Verdict shall be given against the Petitioning Creditor the Plaintiff shall recover his Costs against him, to be taxed so as to include such Costs as the Plaintiff is liable to pay to the Messenger and his Assistant, or Person so appointed as aforesaid.

Proof in such Actions that Defendant is Petitioning Creditor sufficient to render him liable.

CVIII. That in any such Action brought against the Petitioning Creditor, either alone or jointly with any Messenger or Assistant or other Person so appointed by the Court, for anything done in obedience to the Warrant of the Court, Proof by the Plaintiff in such Action that the Defendant or Defendants, or any of them, is or are Petitioning Creditor or Creditors, shall be sufficient for the Purpose of making such Defendant or Defendants liable, in the same Manner and to the same Extent as if the Act complained of in such Action had been done or committed by such Defendant or Defendants.

Messenger may break open the Bankrupt's Doors, &c., and seize upon his Body or Property

CIX. That it shall be lawful for any Messenger of the Court and his Assistants acting under Warrant of the Court to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of any Bankrupt where such Bankrupt or any of his Property shall be reputed to be, and seize upon the Body or Property of such Bankrupt; and if the Bankrupt be in Prison or in Custody, it shall be lawful for the Messenger and his Assistants to seize any Property of the Bankrupt (his necessary Wearing Apparel only excepted) in the Custody or Possession of such Bankrupt or of any other Person, in any Prison or Place where such Bankrupt is in Custody.

Execution of Warrant in Ireland.

CX. That it shall be lawful for the Messenger and his Assistants acting under Warrant of the Court to break open any House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt in *Ireland* where any of his Property shall be reputed to be, and to seize the same; provided such Warrant shall have been verified upon Oath before and backed or endorsed by the Mayor or Chief Magistrate of the City, Borough, or Town Corporate where or near to which the same is executed; and provided also, that the Messenger shall, before a Justice of the Peace residing in the County where such Property shall be reputed to be, depose upon Oath that he is the Person named in such Warrant.

Execution of Warrant in Scotland.

CXI. That if in the Execution of any such Warrant of Seizure granted by the Court it shall be necessary to break open any House, Chamber,

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Chamber, Shop, Warehouse, Door, Trunk, or Chest of the Bankrupt in *Scotland*, where any of the Property of such Bankrupt shall be reputed to be, or to seize and get possession of such Property, such Warrant, after having been verified upon Oath, may be backed or endorsed by any Judge Ordinary or Justice of the Peace in *Scotland*, who are hereby required, within their respective Jurisdictions, to back or endorse the same; and such Warrant so endorsed shall be sufficient Authority to the Messenger or his Assistant bringing such Warrant, and to all Officers of the Law in *Scotland*, to execute the same within the County or Burgh wherein it is so endorsed, and in virtue thereof to break open the House, Chamber, Shop, Warehouse, Door, Trunk, or Chest of such Bankrupt, and to seize and take possession of such Property, to be distributed under the Bankruptcy, or otherwise dealt with according to Law.

If Bankrupt be not in Prison or Custody, to be free from Arrest in coming to surrender, &c., and if in Prison may be brought up by Warrant to be examined or to surrender, &c., and if in Prison for Debt the Court may, except in certain Cases, order his Release absolutely or conditionally

CXII. That if the Bankrupt be not in Prison or Custody at the Date of the Adjudication, he shall be free from Arrest or Imprisonment by any Creditor in coming to surrender, and after such Surrender during the Time by this Act limited for such Surrender, and for such further Time as shall be allowed him for finishing his Examination, and for such Time after finishing his Examination until his Certificate be allowed as the Court shall from Time to Time by Endorsement upon the Summons of such Bankrupt think fit to appoint; and whenever any Bankrupt is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may, by Warrant directed to the Person in whose Custody he is confined, cause him to be brought before it at any Sitting, either public or private, and if he be desirous to surrender he shall be so brought up, and the Expense thereof shall be paid out of his Estate, and such Person shall be indemnified by the Warrant of the Court for bringing up such Bankrupt; and where any Person who has been adjudged bankrupt, and has surrendered and obtained his Protection from Arrest, is in Prison or in Custody for Debt at the Time of his obtaining such Protection, the Court may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or upon such Conditions as it shall think fit: Provided always, that the Court shall not order such Release where it shall appear by any Judgment, Order, Commitment, or Sentence under which the Bankrupt is in Prison or in Custody, or by the Record or Entry of any such Judgment, Order, Commitment, or Sentence, and the Pleadings or Proceedings previously thereto, that he is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of the Revenue Laws,

or

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or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy: Provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit the Bankrupt may be in Prison or in Custody against the Bankrupt, except the Right of detaining him in Prison or in Custody whilst protected from Imprisonment by Order of the Court.

If arrested, to be discharged on producing Protection.

CXIII. That if any Bankrupt shall be arrested for Debt, or on any Escape Warrant in coming to surrender, or shall after his Surrender and while protected by Order of the Court be so arrested, he shall, on producing such Protection to the Officer who shall arrest him, and giving such Officer a Copy thereof, be immediately discharged; and if any Officer shall detain any such Bankrupt after he shall have shown such Protection to him, except for so long as shall be necessary for obtaining a Copy of the same, such Officer shall forfeit to such Bankrupt, for his own Use, the Sum of Five Pounds for every Day he shall detain such Bankrupt, to be recovered by Action of Debt in any Court of Record at *Westminster*, in the Name of such Bankrupt, with full Costs of Suit.

Petitioning Creditor to proceed at his own Costs, until Choice of Assignees.

CXIV. That the Petitioning Creditor shall at his own Costs file and prosecute his Petition, until the Choice of Assignees by the Creditors; and the Court shall, at or after the Sitting for such Choice, make Order for the Payment thereof out of the Estate of the Bankrupt, in course of Priority to be settled by any General Rule or Order to be made in pursuance of this Act.

No Fiat to be superseded, &c. by reason only of Concert.

CXV. That no Fiat in Bankruptcy shall be annulled, nor any Petition for Adjudication of Bankruptcy dismissed, nor any Adjudication reversed, by reason only that the Fiat, Petition, or Adjudication, or Act of Bankruptcy, has been concerted or agreed upon between the Bankrupt, his Solicitor or Agent, or any of them, and any Creditor or other Person.

Court may proceed notwithstanding Death of Bankrupt.

CXVI. That if any Bankrupt shall die after Adjudication, the Court may proceed in the Bankruptcy as if such Bankrupt were living.

Court may summon and examine Bankrupt.

CXVII. That the Court may summon any Bankrupt before it, whether such Bankrupt shall have obtained his Certificate or not; and in case he shall not come at the Time appointed by the Court (having no lawful Impediment made known to and allowed by the Court at such Time), it shall be lawful for the Court, by Warrant, to authorize and direct any Person or Persons the Court shall think fit to apprehend and arrest such Bankrupt, and bring him before the Court; and upon the Appearance of such Bankrupt, or if such

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Bankrupt be present at any Sitting of the Court, it shall be lawful for the Court to examine such Bankrupt after he shall have made and signed the Declaration contained in the Schedule W. to this Act annexed, either by Word of Mouth or on Interrogatories in Writing, touching all Matters relating to his Trade, Dealings, or Estate, or which may tend to disclose any secret Grant, Conveyance, or Concealment of his Lands, Tenements, Goods, Money, or Debts, and to reduce his Answers into Writing, which Examination so reduced into Writing the said Bankrupt shall sign and subscribe.

Court may summon and examine the Bankrupt's Wife

CXVIII. That it shall be lawful for the Court to summon before it the Wife of any Bankrupt, and to examine her, after she shall have made and signed the Declaration contained in Schedule W. to this Act annexed, either by Word of Mouth or Interrogatories in Writing, for the finding out and Discovery of the Estate, Goods, and Chattels of such Bankrupt, concealed, kept, or disposed of by such Wife, in her own Person or by her own Act, or by any other Person, and she shall incur such Danger or Penalty for not coming before the Court, or for refusing to be sworn and examined, or for refusing to sign or subscribe her Examination, or for not fully answering to the Satisfaction of the Court, as is herein-after provided.

If Bankrupt be keeping out of the way, or be about to quit England, &c., Court may issue Warrant.

CXIX. That if in any Case it shall be proved to the Satisfaction of the Court that any Bankrupt is keeping out of the way, and cannot be personally served with a Summons, and that due Pains have been taken to effect such personal Service, or that there is probable Cause for believing that he is about to quit *England*, or to remove or conceal any of his Goods or Chattels, unless he be forthwith apprehended, it shall be lawful for such Court, by Warrant, to authorize and direct any Person or Persons it shall think fit to apprehend and arrest such Bankrupt, and bring him before the Court, to be examined in like Manner as if he appeared upon a Summons.

Court empowered to summon Persons suspected of having Bankrupt's Property, &c

CXX. That after Adjudication it shall be lawful for the Court to summon before it any Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, or any Person the Court may believe capable of giving Information concerning the Person, Trade, Dealings, or Estate of the Bankrupt, or concerning any Act of Bankruptcy committed by him, or any Information material to the full Disclosure of his Dealings; and the Court may require such Person to produce any Books, Papers, Deeds, Writings, or other Documents in his Custody or Power which may appear to the Court necessary to the Verification of the Deposition of such Person, or to the full Disclosure of any of the Matters which the Court is authorized to inquire into; and if such Person so summoned as aforesaid shall not come before the Court at the Time appointed, having no lawful Impediment (made known

*Ib. Of Adjudication, and Proceedings thereunder.*

known to the Court at the Time of its Sitting, and allowed by it), it shall be lawful for the Court, by Warrant, to authorize and direct the Person or Persons therein named for that Purpose to apprehend and arrest such Person, and bring him before the Court for Examination.

Service of Summons where Person keeps out of the way.

CXXI. That where it shall be shown by Affidavit to the Satisfaction of the Court that any Person to whom any such Summons is directed as aforesaid is keeping out of the way, and cannot be personally served therewith, and that due Pains have been taken to effect such personal Service, it shall be lawful for the Court to order by Endorsement upon the Summons that the Delivery of a Copy of such Summons to the Wife or Servant or some adult Inmate of the House or Family of the Person at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Wife, Servant, or Inmate, shall be equivalent to personal Service, and in every such Case the Service of such Summons in pursuance of such Order shall be and be deemed and taken to be of the same Force and Effect, to all Intents and Purposes, as if the Party to whom such Summons was directed had been personally served therewith.

Power to examine Persons summoned or present at any Sitting.

CXXII. That upon the Appearance of any Person summoned or brought before the Court upon any Warrant as aforesaid, or if any Person be present at any Sitting of the Court, it shall be lawful for the Court to examine every such Person upon Oath either by Word of Mouth or by Interrogatories in Writing, concerning the Person, Trade, Dealings, or Estate of any Bankrupt, or concerning any Act or Acts of Bankruptcy by any Bankrupt committed, and to reduce into Writing the Answers of every such Person, and such Answers so reduced into Writing such Person examined is hereby required to sign and subscribe.

In a Case of Debts admitted to be due to Bankrupt's Estate, Court may order Payment; and

CXXIII. That if any such Person examined as last aforesaid shall, in and by his Examination, signed and subscribed as aforesaid, and also in and by a separate Writing in the Form contained in the Schedule X. to this Act annexed, admit that he is indebted to the Bankrupt in any Sum of Money upon the Balance of Accounts, it shall be lawful for the Court, if it think fit, to order (in the Form contained in Schedule Y. to this Act annexed, or to the like Effect,) that such Person shall forthwith, or at such Time and in such Manner as to the Court may seem expedient, pay the Amount so admitted, in full Discharge thereof to the Official Assignee, together with the Costs of and incident to the Summons of such Person, if the Court think fit to award Costs, or the Court may, if it think fit, in the said Form contained in Schedule Y. to this Act annexed, order the Official Assignee to pay the Costs of the Person summoned out of the Estate of the Bankrupt; and every such Order shall have the Effect of a Judgment in Her Majesty's Superior Courts of Common Law, and may

such Order to have Effect of Judgment.

18. *Of Adjudication, and Proceedings thereunder.*

Presence of Attorney on behalf of Party making the Admission.

may be enforced accordingly: Provided always, that no such Order shall be made unless there be present some Attorney of One of the Superior Courts on behalf of the Person making such Admission, expressly named by him, or, upon his Refusal to name such Attorney, named by the Court to act upon his Behalf, to inform him of the Effect of such Admission, before the same is signed and subscribed as aforesaid, and that such Attorney do sign his Name as a Witness to such Admission in the Form contained in the Schedule Y. to this Act annexed: Provided also, that if Part only of the Sum actually due be so admitted, or if the Court make an Order for Part only of the Sum admitted, the Residue may be recoverable in the same Manner in all respects as if no such Admission or Order had been made.

Court may order Letters addressed to Bankrupt to be re-directed or delivered to Official Assignee, &c.

CXXIV. That the Court may order that for a Period of Three Months from the Date of any such Order all Post Letters directed or addressed to any Bankrupt at the Place of which he shall be described in the Petition for Adjudication of Bankruptcy shall be re-directed, re-addressed, sent, or delivered by the Postmaster General, or the Officers acting under him, to the Official or other Assignee or other Person named in such Order; and upon Notice by Transmission of a Duplicate of any such Order to the Postmaster General or the Officers acting under him, by the Official or other Assignee or other Person named in such Order, of the making of such Order, it shall be lawful for the Postmaster General or such Officers as aforesaid, in *England*, *Scotland*, or *Ireland*, to re-address, re-direct, send, or deliver all such Post Letters to the Official or other Assignee or other Person named in such Order accordingly; and the Court may, upon any Application to be made for that Purpose, renew any such Order for a like or for any other less Period as often as may be necessary.

19. *Consequences of Adjudication in certain Cases.*

And with respect to the Power of the Court over certain Descriptions of Property, be it enacted,

Goods in the Possession, Order, or Disposition of the Bankrupt to be deemed his Property.

CXXV. That if any Bankrupt at the Time he becomes bankrupt shall, by the Consent and Permission of the true Owner thereof, have in his Possession, Order, or Disposition any Goods or Chattels whereof he was reputed Owner, or whereof he had taken upon him the Sale, Alteration, or Disposition as Owner, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy: Provided that nothing herein contained shall invalidate or affect any Transfer or Assignment of any Ship or Vessel, or any Share thereof, made as a Security for any Debt or Debts, either by way of Mortgage or Assignment, duly registered according to the Provisions of an Act made in the Parliament holden in the Eighth and Ninth Years of the Reign of Her Majesty, intituled *An Act for the registering of British Vessels*, or any of the Acts therein mentioned.

Proviso for Assignments of Vessels under 8 & 9 Vict. c. 89.

CXXVI. That

19. *Consequences of Adjudication in certain Cases.*

Power of Court over certain Conveyances, &c. made by Bankrupt.

CXXVI. That if any Bankrupt, being at the Time insolvent, shall (except upon the Marriage of any of his Children, or for some valuable Consideration,) have conveyed, assigned, or transferred to any of his Children, or to any other Person, any Hereditaments, Offices, Fees, Annuities, Leases, Goods or Chattels, or have delivered or made over to any such Person any Bills, Bonds, Notes, or other Securities, or have transferred his Debts to any other Person or into any other Person's Name, the Court shall have Power to order the same to be sold and disposed of for the Benefit of the Creditors under the Bankruptcy; and every such Sale shall be valid against the Bankrupt, and such Children and Persons, and against all Persons claiming under him.

Court may proceed when the Bankrupt by Fraud makes himself Accountant to the Crown.

CXXVII. That if any Real or Personal Estate or Debts of any Bankrupt be extended, after he shall have become bankrupt, by any Person, under Pretence of his being an Accountant of or Debtor to the Queen, the Court may examine upon Oath whether the said Debt was due to such Debtor or Accountant upon any Contract originally made between such Accountant and the Bankrupt; and if such Contract was originally made with any other Person than the said Debtor or Accountant, or in trust for any other Person, the Court may order such Real and Personal Estate or Debts to be sold, for the Benefit of the Creditors under the Bankruptcy, and such Sale shall be valid against the said Extent, and all Persons claiming under it; and any Person to whom the said Real and Personal Estate or Debts shall be bargained, sold, granted, or assigned by the Court shall have and may recover the same against any Person who shall detain the same.

Where Bankrupt beneficially entitled to Stock, Court may make Order for Transfer.

CXXVIII. That if any Bankrupt shall have any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in *England*, *Scotland*, or *Ireland*, standing in his Name in his own Right, it shall be lawful for the Court, by Writing, to order all Persons whose Act or Consent is thereto necessary to transfer the same into the Name of the Assignees, and to pay all Dividends upon the same to the Official Assignee; and all such Persons whose Act or Consent is so necessary are hereby indemnified for all things done or permitted pursuant to such Order.

Distress not to be available for more than One Year's Rent due; the Landlord to prove for the Residue.

CXXIX. That no Distress for Rent made and levied after an Act of Bankruptcy upon the Goods or Effects of any Bankrupt, whether before or after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, shall be available for more than One Year's Rent accrued prior to the Date of the Fiat or the Day of the filing of such Petition, but the Landlord or Person to whom the Rent shall be due shall be allowed to come in as a Creditor for the Overplus of the Rent due, and for which the Distress shall not be available.

Where Bankrupt is a Trustee, the Lord Chancellor may order

CXXX. That if any Bankrupt shall as Trustee be seised, possessed of, or entitled to, either alone or jointly, any Real or Personal Estate,

Conveyance or Assignment to another Trustee.

Estate, or any Interest secured upon or arising out of the same, or shall have standing in his Name as Trustee, either alone or jointly, any Government Stock, Funds, or Annuities, or any of the Stock of any public Company, either in *England*, *Scotland*, or *Ireland*, it shall be lawful for the Lord Chancellor, on the Petition of the Person entitled in possession to the Receipt of the Rents, Issues, and Profits, Dividends, Interest, or Produce thereof, on due Notice given to all other Persons (if any) interested therein, to order the Assignees and all Persons whose Act or Consent thereto is necessary to convey, assign, or transfer the said Estate, Interest, Stock, Funds, or Annuities, to such Person as the Lord Chancellor shall think fit, upon the same Trusts as the said Estate, Interest, Stock, Funds, or Annuities were subject to before the Bankruptcy, or such of them as shall be then subsisting and capable of taking effect, and also to receive and pay over the Rents, Issues, and Profits, Dividends, Interest, or Produce thereof, as the Lord Chancellor shall direct.

Titles to Property sold not to be impeached, unless Proceedings taken to annul and duly prosecuted.

CXXXI. That no Title to any Real or Personal Estate sold under any Bankruptcy shall be impeached by the Bankrupt, or any Person claiming under him, in respect of any Defect in the Fiat or Petition for Adjudication, or in any of the Proceedings under the same, unless the Bankrupt shall within the Time allowed by this Act have commenced Proceedings to dispute, dismiss, or annul the Fiat, Petition, or Adjudication, and duly prosecuted the same.

The Court, after Adjudication, may order any Treasurer, &c. or Agent of the Bankrupt, to deliver all Monies, &c.

CXXXII. That after the Adjudication of Bankruptcy in any Case shall have been advertised in the *London Gazette*, it shall be lawful for the Court to order any Treasurer or other Officer, or any Banker, Attorney, or Solicitor, or other Agent of the Bankrupt, to pay and deliver over to the Official Assignee, or to the Bank of *England*, to the Credit of the Accountant in Bankruptcy, according to the Rules which may be in force with respect to Payment into the Bank of *England* of Monies due to any Bankrupt's Estate, all Monies or Securities for Money in his Custody, Possession, or Power as such Officer or Agent, and which he is not by Law entitled to retain as against the Bankrupt or his Assignees.

## 20. *Of Transactions not affected by Bankruptcy.*

Payments, Conveyances, Contracts, &c., Executions against Lands (if executed by Seizure), and against Goods (if executed by Seizure and Sale), to be valid, if no Notice of prior Act of Bankruptcy;

And with respect to Transactions with the Bankrupt, and Executions against his Property, up to the Time of the Bankruptcy, or within a limited Time previously thereto, be it enacted,

CXXXIII. That all Payments really and *bonâ fide* made by any Bankrupt, or by any Person on his Behalf, before Date of the Fiat or the filing of a Petition for Adjudication of Bankruptcy, to any Creditor of such Bankrupt, and all Payments really and *bonâ fide* made to any Bankrupt before the Date of the Fiat or the filing of such Petition, and all Conveyances by any Bankrupt *bonâ fide*, made and executed before the Date of the Fiat or the filing of such Petition, and all Contracts, Dealings, and Transactions by and with any Bankrupt

20. *Of Transactions not affected by Bankruptcy.*

rupt really and *bonâ fide* made and entered into before the Date of the Fiat or the filing of such Petition, and all Executions and Attachments against the Lands and Tenements of any Bankrupt *bonâ fide* executed by Seizure, and all Executions and Attachments against the Goods and Chattels of any Bankrupt *bonâ fide* executed and levied by Seizure and Sale before the Date of the Fiat or the filing of such Petition, shall be deemed to be valid, notwithstanding any prior Act of Bankruptcy by such Bankrupt committed, provided the Person so dealing with or paying to or being paid by such Bankrupt, or at whose Suit or on whose Account such Execution or Attachment shall have issued, had not at the Time of such Payment, Conveyance, Contract, Dealing, or Transaction, or at the Time of so executing or levying such Execution or Attachment, or at the Time of making any Sale thereunder, Notice of any prior Act of Bankruptcy by him committed: Provided also, that nothing herein contained shall be deemed or taken to give Validity to any Payment or to any Delivery or Transfer of any Goods or Chattels made by any Bankrupt, being a fraudulent Preference of any Creditor of such Bankrupt, or to any Conveyance or Equitable Mortgage made or given by any Bankrupt by way of fraudulent Preference of any Creditor of such Bankrupt, or to any Execution founded on a Judgment on a Warrant of Attorney or Cognovit Actionem or Judge's Order obtained by Consent given by any Bankrupt by way of fraudulent Preference.

but nothing herein to give Validity to Payments, &c. by way of fraudulent Preference.

CXXXIV. That no Purchase from any Bankrupt *bonâ fide* and for valuable Consideration, where the Purchaser had Notice at the Time of such Purchase of an Act of Bankruptcy by such Bankrupt committed, shall be impeached by reason thereof, unless a Fiat or Petition for Adjudication of Bankruptcy shall have been sued out or filed within Twelve Months after such Act of Bankruptcy.

Bonâ fide Purchases not to be impeached by Notice of Act of Bankruptcy, unless Fiat, &c. be sued out within Twelve Months after the Act of Bankruptcy.

21 *Of Warrants of Attorney, &c.*

CXXXV. That every Warrant of Attorney to confess Judgment in any personal Action, given by any Bankrupt after the Commencement of this Act, and within Two Months of the filing of a Petition for Adjudication of Bankruptcy by or against such Bankrupt, and being for or in respect of (wholly or in part) an antecedent Debt or Money Demand, and every Cognovit Actionem or Consent to a Judge's Order for Judgment given by any Bankrupt, at any Time after the Commencement of this Act, and within Two Months of the filing of any such Petition in any Action commenced by Collusion with the Bankrupt, and not adversely, or purporting to have been given in an Action, but having been in fact given before the Commencement of any Action against the Bankrupt, such Bankrupt being unable to meet his Engagements at the Time of giving such Warrant of Attorney, Cognovit Actionem, or Consent (as the Case may be) shall be deemed and taken to be null and void, whether

Certain Warrants of Attorney, Cognovits, and Consents to Judge's Order, given within Two Months of filing Petition, to be null and void.

21.
*Of Warrants of Attorney, &c.*

whether the same shall have been given by such Bankrupt in contemplation of Bankruptcy or not.

Warrants of Attorney and Cognovits Actionem given by any Trader to be void, unless the same or a Copy thereof be filed, &c. within 21 Days after the Execution thereof.

CXXXVI. And be it enacted, That if after the Commencement of this Act any Warrant of Attorney to confess Judgment in any personal Action, or any Cognovit Actionem in any personal Action, shall have been given by any such Trader, and such Warrant of Attorney or Cognovit Actionem, or a true Copy thereof, shall not have been filed with the Officer acting as Clerk of the Docquets and Judgments in the Court of Queen's Bench within Twenty-one Days next after the Execution thereof, in Manner and Form provided by an Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*, every such Warrant of Attorney and Cognovit Actionem shall be deemed fraudulent, null, and void, to all Intents and Purposes whatever; and if any such Warrant of Attorney or Cognovit Actionem which shall be so filed as aforesaid shall have been given subject to any Defeazance or Condition, such Defeazance or Condition shall be written on the same Paper or Parchment on which such Warrant of Attorney or Cognovit Actionem shall be written, before the Time when the same or a Copy thereof respectively shall be filed, otherwise such Warrant of Attorney or Cognovit Actionem shall be null and void to all Intents and Purposes whatever.

3 G. 4. c. 39.

Judge's Order obtained by Consent given by any Trader Defendant to be void, unless the same or a Copy thereof be filed within 21 Days, in like Manner as Warrants of Attorney and Cognovits Actionem.

CXXXVII. And be it enacted, That every Judge's Order made by Consent given after the Commencement of this Act by any such Trader Defendant in any personal Action, and whereby the Plaintiff in such Action shall be authorized forthwith after the making of such Order, or at any future Time, to sign or enter up Judgment, or to issue or take out Execution in such Action, and whether such Order shall be made subject to any Defeazance or Condition or not, in case the Action in which such Order shall be made shall be in the Court of Queen's Bench, or in case the Action wherein the same is made shall be in any other Court, a true Copy of such Order shall, together with an Affidavit of the Time of such Consent being given, and a Description of the Residence and Occupation of the Defendant, be filed with the Officer acting as Clerk of the Docquets and Judgments in the said Court of Queen's Bench within Twenty-one Days after the making of such Order, in like Manner as a Warrant of Attorney in any personal Action and a Cognovit Actionem given by any Defendant in any personal Action, or Copies thereof and Affidavits of the Execution thereof respectively, may be filed with the said Clerk within the Space of Twenty-one Days after such Warrant of Attorney or Cognovit Actionem shall have been executed, otherwise such Judge's Order, and any Judgment signed or entered up thereon, and any Execution issued or taken out on such Judgment, shall

21 *Of Warrants of Attorney, &c.*

shall be null and void to all Intents and Purposes whatever; and the Provisions respectively contained in the said Act passed in the Third Year of the Reign of His late Majesty King *George* the Fourth, intituled *An Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*, and in an Act passed in the Parliament holden in the Sixth and Seventh Years of the Reign of Her Majesty, intituled *An Act to enlarge the Provisions of an Act for preventing Frauds upon Creditors by secret Warrants of Attorney to confess Judgment*, for Liberty to file Warrants of Attorney and Cognovits Actionem, or Copies thereof, with the Clerk of the Docquets and Judgments, and for the said Clerk to make certain Entries and Search in relation thereto, and for entering Satisfaction thereon, and for Fees for Search and filing and taking Office Copies, shall extend and be applicable to every such Judge's Order, in like Manner as to Warrants of Attorney and Cognovits Actionem mentioned in the said Acts.

3 G 4 c 39

6 & 7 Vict c 66

22 *Exemptions from Stamp Duty, &c.*

Deeds and other Instruments relating to Bankruptcy not liable to Stamp Duty

CXXXVIII. And be it enacted, That no Deed, Conveyance, Assignment, Surrender, Admission, or other Assurance of or to or relating solely to any Freehold, Leasehold, Copyhold, or Customary Messuages, Lands, or Tenements, or to any Mortgage, Charge, or other Incumbrance upon, or any Estate, Right, or Interest of and in, any Messuages, Lands, Tenements, or Personal Estate, being the Estate of or belonging to any Bankrupt, or Part or Parcel thereof, and which after the Execution of such Deed, Conveyance, Assignment, Surrender, or Assurance respectively shall, either at Law or in Equity, be or remain the Estate and Property of such Bankrupt, or of the Assignee appointed or chosen under any Bankruptcy, and no Power of Attorney, Writ of Supersedeas and Procedendo, Order, Certificate of Conformity, Affidavit, or other Instrument or Writing whatsoever relating solely to the Estate or Effects of any Bankrupt, or to any Part thereof, or to any Proceeding under any Bankruptcy, and no Affidavit, Bond, or other Proceeding under this Act, and no Advertisement inserted in the *London Gazette* relating solely to Matters in Bankruptcy, shall be liable to any Stamp Duty, or to any other Duty whatsoever, save and except such Stamp Duty as is mentioned in Schedule C. to this Act annexed.

23. *Of the Choice of Assignees, their Rights and Duties.*

Assignees of the Bankrupt's Estate, when and how chosen

And with respect to the Choice of Assignees, and their Rights and Duties, be it enacted,

CXXXIX. That at the First Public Sitting appointed by the Court under any Bankruptcy, or at any Adjournment thereof, Assignees of the Bankrupt's Estate and Effects shall and may be chosen and appointed, and all Creditors who have proved Debts to the Amount of Ten Pounds and upwards shall be entitled to vote in such Choice, and also any Person authorized by Letter of Attorney from any such Creditor, upon Proof of the Execution thereof, either by Affidavit



or

23.
*Rights and Duties of Assignees.*

Court may reject or remove any Person chosen as unfit

or by Oath before the Court *vivâ voce;* and the Choice and Appointment shall be made by the major Part in Value of the Creditors so entitled to vote; provided that the Court shall have Power to reject any Person so chosen who shall appear to such Court unfit to be an Assignee, or to remove any Assignee, and upon such Rejection or Removal a new Choice and Appointment of another Assignee shall be made in like Manner.

Joint Creditor entitled to prove under separate Estate, for the Purpose of voting in the Choice of Assignees.

CXL. That if One or more of the Partners of a Firm be adjudged bankrupt, any Creditor to whom the Bankrupt is indebted jointly with the other Partners of the Firm, or any of them, shall be entitled to prove his Debt, for the Purpose only of voting in the Choice of Assignees, and of being heard against the Allowance of the Bankrupt's Certificates, or of either of such Purposes; but such Creditor shall not receive any Dividend out of the separate Estate of the Bankrupt until all the separate Creditors shall have received the full Amount of their respective Debts.

Personal Estate to vest in Assignees.

CXLI. That when any Person shall have been adjudged a Bankrupt, all his Personal Estate and Effects, present and future, wheresoever the same may be found or known, and all Property which he may purchase, or which may revert, descend, be devised or bequeathed or come to him, before he shall have obtained his Certificate, and all Debts due or to be due to him, wheresoever the same may be found or known, and the Property, Right, and Interest in such Debts, shall become absolutely vested in the Assignees for the Time being, for the Benefit of the Creditors of the Bankrupt, by virtue of their Appointment; and after such Appointment, neither the Bankrupt, nor any Person claiming through or under him, shall have Power to recover the same, nor to make any Release or Discharge thereof, neither shall the same be attached as the Debt of the Bankrupt by any Person according to the Custom of the City of *London* or otherwise, but such Assignees shall have like Remedy to recover the same in their own Names as the Bankrupt himself might have had if he had not been adjudged bankrupt.

Real Estate to vest in Assignees.

CXLII. That when any Person shall have been adjudged a Bankrupt, all Lands, Tenements, and Hereditaments, except Copy or Customaryhold, in *England*, *Scotland*, *Ireland*, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, to which any Bankrupt is entitled, and all Interest to which such Bankrupt is entitled in any of such Lands, Tenements, or Hereditaments, and of which he might, according to the Laws of the several Countries, Dominions, Plantations, or Colonies, have disposed, and all such Lands, Tenements, and Hereditaments as he shall purchase, or shall descend, be devised, revert to, or come to such Bankrupt, before he shall have obtained his Certificate, and all Deeds, Papers, and Writings respecting the same, shall become absolutely vested in the Assignees for the

23. *Rights and Duties of Assignees.*

Time being, for the Benefit of the Creditors of the Bankrupt, by virtue of their Appointment, without any Deed of Conveyance for that Purpose; and as often as any such Assignee or Assignees shall die, or be lawfully removed or displaced, and a new Assignee or Assignees shall be duly appointed, such of the aforesaid Real Estate as shall remain unsold or unconveyed shall by virtue of such Appointment vest in the new Assignee or Assignees, either alone or jointly with the existing Assignees, as the Case may require, without any Conveyance for that Purpose.

Where a Conveyance of the Property of a Bankrupt would require to be registered, the Certificate of Appointment of the Assignees shall be registered

CXLIII. That where according to Law any Conveyance or Assignment of any Real or Personal Property of a Bankrupt would require to be registered, enrolled, or recorded in any Registry Office in *England*, *Wales*, or *Ireland*, or in any Registry Office, Court, or other Place in *Scotland*, or in any of the Dominions, Plantations, or Colonies belonging to Her Majesty, then in every such Case the Certificate of the Appointment of Assignees of the Estate and Effects of the Bankrupt shall be registered in the Registry Office, Court, or Place wherein such Conveyance or Assignment would require to be registered, enrolled, or recorded, and such Registry shall have the like Effect to all Intents and Purposes as the Registry, Enrolment, or recording of such Conveyance or Assignment would have had; and the Title of any Purchaser of any such Property for valuable Consideration, without Notice of the Bankruptcy, who shall have duly registered, enrolled, or recorded his Purchase Deed previous to the Registry hereby directed, shall not be invalidated by reason of such Appointment of Assignees, or of the vesting of such Property in them consequent thereupon, unless the Certificate of such Appointment shall be registered as aforesaid within the Times following; (that is to say,) as regards the United Kingdom of *Great Britain* and *Ireland*, within Two Months from the Date of such Appointment, and as regards all other Places within Twelve Months from the Date thereof.

Assignees not to take Crop in any other way than Bankrupt would have been entitled to do.

CXLIV. That no Assignee of any Bankrupt's Estate, nor any Purchaser from any such Assignee of any Goods, Chattels, Stock, or Crop, being Part of the Estate of any Bankrupt engaged or employed in Husbandry on any Lands let to farm, shall take, use, or dispose of any Hay, Straw, Grass or Grasses, Turnips, or other Roots, or any other Produce of such Lands, or any Manure, Compost, Ashes, Seaweed, or other Dressings intended for such Lands, and being thereon, in any other Manner or for any other Purpose than such Bankrupt so employed in Husbandry ought to have taken, used, or disposed of the same if he had not been adjudged bankrupt.

Bankrupt not liable to Rents or Covenants in Conveyances, Leases, &c.; and if Assignees decline to determine

CXLV. That if the Assignees of the Estate and Effects of any Bankrupt having or being entitled to any Land either under a Conveyance to him in Fee or under an Agreement for any such Conveyance, subject

whether they will accept Conveyance, &c. any Person entitled may apply to the Court

subject to any perpetual yearly Rent reserved by such Conveyance or Agreement, or having or being entitled to any Lease or Agreement for a Lease, shall elect to take such Land or the Benefit of such Conveyance or Agreement, or such Lease or Agreement for a Lease, as the Case may be, the Bankrupt shall not be liable to pay any Rent accruing after the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy against him, or to be sued in respect of any subsequent Nonobservance or Nonperformance of the Conditions, Covenants, or Agreements in any such Conveyance or Agreement, or Lease or Agreement for a Lease; and if the Assignees shall decline to take such Land, or the Benefit of such Conveyance or Agreement, or Lease or Agreement for Lease, the Bankrupt shall not be liable if, within Fourteen Days after he shall have had Notice that the Assignees have declined, he shall deliver up such Conveyance or Agreement, or Lease or Agreement for Lease, to the Person then entitled to the Rent, or having so agreed to convey or lease, as the Case may be; and if the Assignees shall not (upon being thereto required) elect whether they will accept or decline such Land or Conveyance or Agreement for Conveyance, or such Lease or Agreement for a Lease, any Person entitled to such Rent, or having so conveyed or agreed to convey, or leased or agreed to lease, or any Person claiming under him, shall be entitled to apply to the Court, and the Court may order them to elect and deliver up such Conveyance or Agreement for Conveyance, or Lease or Agreement for Lease, in case they shall decline the same, and the Possession of the Premises, or may make such other Order therein as it shall think fit.

Vendor of Estate in Land may compel Assignees to elect whether they will abide by or decline the Agreement for Sale.

CXLVI. That if any Bankrupt shall have entered into any Agreement for the Purchase of any Estate or Interest in Land, the Vendor thereof, or any Person claiming under him, if the Assignees shall not (upon being thereto required) elect whether they will abide by and execute such Agreement, or abandon the same, may apply to the Court, and the Court may thereupon order them to deliver up the Agreement, and the Possession of the Premises, to the Vendor or Person claiming under him, or may make such other Order therein as such Court shall think fit.

Assignees may execute Powers previously vested in Bankrupt.

CXLVII. That all Powers vested in any Bankrupt which he might legally execute for his own Benefit (except the Right of Nomination to any vacant Ecclesiastical Benefice) may be executed by the Assignees, for the Benefit of the Creditors, in such Manner as the Bankrupt might have executed the same.

Court may order Bankrupts to join in Conveyances.

CXLVIII. That it shall be lawful for the Court, upon the Application of the Assignees, or of any Purchaser from them of any Part of the Bankrupt's Estate, if such Bankrupt shall not try the Validity of the Adjudication, or if there shall have been a Verdict at Law establishing its Validity, to order the Bankrupt to join in any Conveyance

Conveyance of such Estate or any Part thereof; and if he shall not execute such Conveyance within the Time directed by the Order, such Bankrupt, and all Persons claiming under him, shall be stopped from objecting to the Validity of such Conveyance; and all Estate, Right, or Title which such Bankrupt had therein shall be as effectually barred by such Order as if such Conveyance had been executed by him.

23. *Rights and Duties of Assignees.*

CXLIX. That if any Bankrupt shall have granted, conveyed, assured, or pledged any Real or Personal Estate, or deposited any Deeds, such Grant, Conveyance, Assurance, Pledge, or Deposit being upon Condition or Power of Redemption at a future Day by Payment of Money or otherwise, the Assignees may, before the Time of the Performance of such Condition, make Tender or Payment of Money or other Performance, according to such Condition, as fully as the Bankrupt might have done; and after such Tender, Payment, or Performance such Real or Personal Estate may be sold and disposed of for the Benefit of the Creditors.

Conditional Estates granted by the Bankrupt may be redeemed by Assignees.

CL. That in every Case the Assignees may, with the Approbation of the Court, appoint the Bankrupt himself to superintend the Management of the Estate, or to carry on the Trade for behoof of the Creditors, and in all or any other respects they may think fit to aid them in administering the Bankrupt's Estate and Effects, in such Manner and on such Terms as they may think best for the Benefit of the Persons interested in the Estate.

Assignees may appoint the Bankrupt to superintend the Management of the Estate.

CLI. That the Assignees shall be subject to the Orders of the Court in their Conduct as Assignees; and it shall be lawful for the Court at all Times to summon the Assignees, and require them to produce all Books, Papers, Deeds, Writings, and other Documents relating to the Bankruptcy in their Possession, and to direct them to pay and deliver over to the Official Assignee all Monies, Books, Papers, Deeds, Writings, and other Documents which may have come to their Possession or Custody as such Assignees.

Assignees to be subject to Orders of the Court.

CLII. That if any Person adjudged bankrupt shall at the Time of the Adjudication of Bankruptcy be a Member of a Firm, it shall be lawful for the Court to authorize the Assignees, upon their Application, to commence or prosecute any Action at Law or Suit in Equity, in the Name of such Assignees and of the remaining Partner, against any Debtor of the Partnership, and such Judgment, Decree, or Order may be obtained therein as if such Action or Suit had been instituted with the Consent of such Partner, and if such Partner shall execute any Release of the Debt or Demand for which such Action or Suit is instituted such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and, if no Benefit be claimed by him by virtue of the said Proceedings, shall be indemnified against the Payment of any

In case of a Member of a Firm becoming bankrupt, the Court may authorise Action or Suit in Name of the Assignees and of the remaining Partner.

Partner to have Notice, and be at liberty to show Cause.

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*Rights and Duties of Assignees.*

Court may direct Partner to have Part of Proceeds.

any Costs in respect of such Action or Suit, in such Manner as the Court may direct; and that it shall be lawful for such Court, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as such Court shall direct.

Assignees may institute or defend Actions or Suits, and compound for Debts due to the Estate, or submit Disputes to Arbitration

CLIII. That the Assignees, with the Leave of the Court first obtained, upon Application to such Court, but not otherwise, may commence, prosecute, or defend any Action at Law or Suit in Equity which the Bankrupt might have commenced and prosecuted or defended, and in such Case the Costs to which they may be put in respect of such Suit or Action shall be allowed out of the Proceeds of the Estate and Effects of the Bankrupt; and with like Leave of the Court, after Notice to such Creditors, and subject to such Condition (if any) as to obtaining the Consent of Creditors, or any Proportion of them, as the Court shall think fit to direct, the Assignees may take such reasonable Part of any Debts due to the Bankrupt's Estate as may by Composition be gotten, or may give Time or take Security for the Payment of such Debts, and may submit to Arbitration any Difference or Dispute between the Assignees and any other Person for or on account or by reason of anything relating to the Estate and Effects of the Bankrupt.

Reference to Arbitration may be made a Rule of Court

CLIV. That if the Assignees shall agree in manner aforesaid to refer any Matter in dispute to Arbitration, such Agreement of Reference may be made a Rule of any of Her Majesty's Superior Courts of Law at *Westminster*, whether such Agreement contain a Clause to that Effect or not.

If Fiat, Petition, or Adjudication be annulled, &c. Persons from whom the Assignees have recovered, or who have bonâ fide paid the Assignees, &c., discharged from Claims by the Bankrupt

CLV. That all Persons from whom the Assignees shall have recovered any Real or Personal Estate, either by Judgment or Decree, are hereby discharged, in case the Fiat be afterwards superseded, or the Adjudication of Bankruptcy, or Petition for Adjudication, be afterwards annulled or dismissed, from all Demands which may thereafter be made in respect of the same by the Person against whom such Adjudication was made, and all Persons claiming under him; and all Persons who shall, without Action or Suit, *bonâ fide* deliver up Possession of any Real or Personal Estate to the Assignees, or pay any Debt claimed by them, are hereby discharged from all Claim of any such Person as aforesaid in respect of the same, or any Person claiming under him, provided the Persons so delivering up any Real or Personal Estate, or paying any Debt, shall not have had Notice of an Action, Suit, or other Proceeding to dispute or annul the Fiat or Adjudication or Petition for Adjudication, and such Action, Suit, or other Proceeding shall not have been commenced, and prosecuted within the Time and in manner allowed by this Act.

If Assignee indebted to Bankrupt's Estate become bankrupt,

CLVI. That if any Assignee indebted to the Estate of which he is such Assignee in respect of Money, being Part of the Estate of the

Bankrupt, retained or employed by him, become bankrupt, and obtain his Certificate, it shall have the Effect only of freeing his Person from Arrest and Imprisonment, but his future Effects (his Tools of Trade, necessary Household Goods, and the necessary Wearing Apparel of himself, his Wife and Children, excepted,) shall remain liable for so much of his Debt to the Estate of which he was Assignee as shall not be paid by Dividends under his Bankruptcy, and for Interest at the Rate of Five *per Cent. per Annum* on the whole Debt.

his Certificate shall not discharge his future Effects in respect of such Debt.

CLVII. That whenever an Assignee shall die or be removed, or a new Assignee shall be chosen, no Action at Law or Suit in Equity shall be thereby abated, but the Court in which any Action or Suit is depending may, upon the Suggestion of such Death or Removal and new Choice, allow the Name of the surviving or new Assignee to be substituted in the Place of the former; and such Action or Suit shall be prosecuted in the Name or Names of the said surviving or new Assignee or Assignees, in the same Manner as if he had originally commenced the same.

Suits not to abate by Death or Removal of Assignees.

CLVIII. That if the Assignees commence any Action or Suit for any Money due to the Bankrupt's Estate before the Time allowed for the Bankrupt to dispute the Bankruptcy shall have elapsed, any Defendant in any such Action or Suit shall be entitled, after Notice given to the Assignees, to pay the same or any Part thereof into the Court in which such Action or Suit is brought, and all Proceedings with respect to the Money so paid into Court shall thereupon be stayed until such Time shall have elapsed; and if within that Time the Bankrupt shall not have commenced such Action, Suit, or other Proceeding as allowed by this Act, and prosecuted the same with due Diligence, the Money shall be paid out of Court to the Official Assignee, but otherwise shall abide the Event of such Action, Suit, or other Proceeding, and upon such Event shall be paid out of Court, either to the Official Assignee or the Person adjudged bankrupt, as the Court shall direct; and after such Payment of Money so made into Court it shall not be lawful for the Person so adjudged bankrupt to proceed against the Defendant for Recovery of the same Money.

If Assignees commence Action before Time allowed to dispute the Bankruptcy has elapsed, Debtor to Estate may pay Money into Court

CLIX. That every Action brought against any Person for anything done in pursuance of this Act shall be commenced within Three Months next after the Fact committed; and the Defendant in any such Action may plead the General Issue, and give this Act and the special Matter in Evidence at the Trial, and that the same was done by Authority of this Act; and if it shall appear so to have been done, or that such Action was commenced after the Time limited as aforesaid for bringing the same, the Jury shall find for the Defendant; and if there be a Verdict for the Defendant, or if the Plaintiff shall be nonsuited, or discontinue his Action or Suit after Appearance thereto, or if upon Demurrer Judgment shall be given against the Plaintiff,

Limitation of Actions.

General Issue.

Costs

23. *Rights and Duties of Assignees.*

Plaintiff, the Defendant shall receive such full and reasonable Indemnity as to all Costs, Charges, and Expenses incurred in and about any such Action as shall be taxed by the proper Officer in that Behalf, subject to be reviewed in like Manner and by the same Authority as any other Taxation of Costs by such Officer.

24. *Last Examination.*

And with respect to the last Examination, be it enacted,

The Bankrupt to prepare and file a Balance Sheet and Accounts, &c

CLX. That the Bankrupt shall prepare such Balance Sheet and Accounts, and in such Form as the Court shall direct, and shall subscribe such Balance Sheet and Accounts, and file the same in Court, and deliver a Copy thereof to the Official Assignee, Ten Days at least before the Day appointed for the last Examination, or the Adjournment Day thereof for that Purpose; and such Balance Sheet and Accounts, before such last Examination, may be amended from Time to Time as Occasion shall require, and such Court shall direct; and the Bankrupt shall make Oath of the Truth of such Balance Sheet and Accounts, whenever he shall be duly required by the Court so to do; and the last Examination of the Bankrupt shall in no Case be passed unless his Balance Sheet shall have been duly filed as aforesaid; and the Court may, on the Application of the Assignees, or of the Bankrupt, make such Allowance out of the Estate of the Bankrupt for the Preparation of such Balance Sheet and Accounts, and to such Person as the Court shall think fit, in any Case in which it shall be made to appear to the Satisfaction of the Court, from the Nature of the Accounts or other good Cause, that the Bankrupt required Assistance in that Behalf.

Bankrupts apprehended by Warrant

CLXI. That if any Bankrupt apprehended by any Warrant of the Court shall, within the Time allowed for him to surrender, submit to be examined, and in all things conform, he shall have the same Benefit as if he had voluntarily surrendered.

Court may adjourn last Examination sine die.

CLXII. That it shall be lawful for the Court at the Time appointed for the last Examination of the Bankrupt, or at any Enlargement or Adjournment thereof, to adjourn such Examination *sine die*; and in such Case the Bankrupt shall be free from Arrest or Imprisonment, for such Time (if any) as such Court shall from Time to Time, by Endorsement on the Summons of the Bankrupt, think fit to appoint.

If Bankrupt in Prison or Custody, Court may appoint a Person to attend him with Books, Papers, &c., to enable him to prepare Balance Sheet

CLXIII. That whenever any Bankrupt is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the Court may appoint a Person to attend him from Time to Time, to produce to him his Books, Papers, and Writings, in order that he may prepare his Balance Sheet, and show the Particulars of his Estate and Effects, previous to his last Examination and Discovery thereof.

And

25.

*Of Proof of Debts and Payments in full.*

And with respect to the Proof of Debts and Payments in full, be it enacted,

When and how Debts may be proved;

CLXIV. That at the Sittings appointed by the Court for the Choice of Assignees and for the last Examination of the Bankrupt, and at every adjourned Sitting held for either of such Purposes, and at every other Sitting held for Proof of Debts, and whereof and of the Purport whereof Ten Days Notice shall have been given in the *London Gazette*, every Creditor of the Bankrupt may prove his Debt, by his own Oath; and all Bodies Politic and public Companies incorporated, or authorized to sue or bring Actions, either by Charter or Act of Parliament, may prove by an Agent, provided such Agent shall in his Deposition swear that he is such Agent, and that he is authorized to make such Proof; provided that it shall be lawful for the Court to examine upon Oath, either by Word of Mouth or by Interrogatories in Writing, every Person claiming to prove a Debt, or to require such further Proof, and to examine such other Persons in relation thereto, as such Court shall think fit.

By Corporations, &c.

Creditor may be examined upon Oath.

Bonâ fide Creditors, in respect of Debts contracted after an Act of Bankruptcy may prove

CLXV. That every Person with whom any Bankrupt shall have really and *bonâ fide* contracted any Debt or Demand before the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy shall, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt, be admitted to prove the same, as if no such Act of Bankruptcy had been committed, provided such Person had not, at the Time the same was contracted, Notice of any Act of Bankruptcy by such Bankrupt committed.

Payment of Assessed Taxes.

CLXVI. That the Court, out of the Estate and Effects of the Bankrupt, shall order Payment of all Duties of Assessed Taxes assessed on the Bankrupt at the Time of his Bankruptcy up to the Fifth Day of *April* next after the same shall have happened (such Payment not exceeding in the whole One Year's Assessment), and the Bankrupt shall not be liable to be assessed to such Duties after the said Fifth Day of *April* in respect of any Article kept and used for the Purposes of Trade at or before the Time of the Bankruptcy, which Article shall have been seized and surrendered and *bonâ fide* sold under the Bankruptcy, and not kept or used by the Bankrupt after the said Fifth Day of *April*.

If Bankrupt an Officer of, and have Monies, &c. in his Hands belonging to, any Friendly Society, Court to order Payment thereof before any of his other Debts are satisfied.

CLXVII. That if any Person already appointed or employed or who may be hereafter appointed to or employed in any Office in any Society established under any of the Acts relating to Friendly Societies, and being intrusted with the keeping of the Accounts or having in his Hands or Possession, by virtue of his Office or Employment, any Monies or Effects belonging to such Society, or any Deeds or Securities relating to the same, shall have been or shall become bankrupt, the Court shall, upon Application made by the Order of any such

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*Of Proof of Debts, &c.*

such Society or any Committee thereof, or the major Part of them, assembled at any Meeting thereof, order Payment and Delivery over to be made to such Society, or to such Person as such Society or Committee may appoint, of all Monies and other Things belonging to such Society, and shall also order Payment out of the Estate and Effects of the Bankrupt of all Sums of Money remaining due which the Bankrupt received by virtue of his said Office or Employment before any other of his Debts are paid or satisfied.

Court may order Three Months Wages or Salary to Clerks or Servants.

CLXVIII. That when any Bankrupt shall have been indebted at the Time of issuing the Fiat or filing the Petition for Adjudication of Bankruptcy to any Servant or Clerk of such Bankrupt in respect of the Wages or Salary of such Servant or Clerk, it shall be lawful for the Court, upon Proof thereof, to order so much as shall be so due, not exceeding Three Months Wages or Salary, and not exceeding Thirty Pounds, to be paid to such Servant or Clerk out of the Estate of such Bankrupt; and such Servant or Clerk shall be at liberty to prove for any Sum exceeding such Amount.

Court may order Wages not exceeding 40s. to Labourer or Workman.

CLXIX. That when any Bankrupt shall have been indebted at the Time of issuing the Fiat or filing the Petition for Adjudication of Bankruptcy to any Labourer or Workman of such Bankrupt in respect of the Wages or Labour of such Labourer or Workman, it shall be lawful for the Court, upon Proof thereof, to order so much as shall be so due, not exceeding Forty Shillings, to be paid to such Labourer or Workman out of the Estate of such Bankrupt; and such Labourer or Workman shall be at liberty to prove for any Sum exceeding such Amount.

Apprentices to Bankrupts discharged from their Indentures.

CLXX. That where any Person shall have been an Apprentice to a Bankrupt at the Time of the filing of a Petition for Adjudication of Bankruptcy, or of the issuing of a Fiat in Bankruptcy, the filing of such Petition, or the issuing of such Fiat, shall be and enure as a complete Discharge of the Indenture whereby such Apprentice was bound; and if any Sum shall have been really and *bonâ fide* paid, by or on the behalf of such Apprentice, to the Bankrupt, as an Apprentice Fee, it shall be lawful for the Court, upon Proof thereof, to order any Sum to be paid out of the Estate of the said Bankrupt, to or for the Use of such Apprentice, which such Court shall think reasonable, regard being had, in estimating such Sum, to the Amount of the Sum so paid by or on behalf of such Apprentice, and to the Time during which such Apprentice shall have resided with the Bankrupt previous to the filing of such Petition or the issuing of such Fiat.

Court may order any Sum to be paid in respect of Apprentice Fees.

Mutual Debts and Credits may be set off, notwithstanding prior Act of Bankruptcy

CLXXI. That where there has been mutual Credit given by the Bankrupt and any other Person, or where there are mutual Debts between the Bankrupt and any other Person, the Court shall state the Account between them, and one Debt or Demand may be set against

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against another, notwithstanding any prior Act of Bankruptcy committed by such Bankrupt before the Credit given to or the Debt contracted by him; and what shall appear due on either Side on the Balance of such Account, and no more, shall be claimed or paid on either Side respectively; and every Debt or Demand hereby made provable against the Estate of the Bankrupt may also be set off in manner aforesaid against such Estate, provided that the Person claiming the Benefit of such Set-off had not, when such Credit was given, Notice of an Act of Bankruptcy by such Bankrupt committed.

Debts not payable at the Time of the Bankruptcy may be proved, deducting Rebate of Interest.

CLXXII. That any Person who shall have given Credit to the Bankrupt upon valuable Consideration for any Money or other Matter or Thing whatsoever which shall not have become payable when such Bankrupt committed an Act of Bankruptcy, and whether such Credit shall have been given upon any Bill, Bond, Note; or other negotiable Security, or not, shall be entitled to prove such Debt, Bill, Bond, Note, or other Security as if the same was payable presently, and receive Dividends equally with the other Creditors, deducting only thereout a Rebate of Interest for what he shall so receive at the Rate of Five Pounds *per Centum per Annum*, to be computed from the Declaration of a Dividend to the Time such Debt would have become payable according to the Terms upon which it was contracted.

Sureties and Persons liable for the Debts of a Bankrupt may prove, after having paid such Debts.

CLXXIII. That any Person who at the Time of issuing the Fiat, or of filing a Petition for Adjudication of Bankruptcy, shall be Surety or liable for any Debt of the Bankrupt, or Bail for the Bankrupt, either to the Sheriff or to the Action, if he shall have paid the Debt, or any Part thereof in discharge of the whole Debt, (although he may have paid the same after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy,) if the Creditor shall have proved his Debt under the Bankruptcy, shall be entitled to stand in the Place of such Creditor as to the Dividends and all other Rights under the Bankruptcy which such Creditor possessed or would be entitled to in respect of such Proof; or if the Creditor shall not have proved, such Surety or Person liable, or Bail, shall be entitled to prove his Demand in respect of such Payment as a Debt under the Bankruptcy, not disturbing the former Dividends, and may receive Dividends with the other Creditors, although he may have become Surety, liable, or Bail as aforesaid, after an Act of Bankruptcy committed by the Bankrupt, provided that such Person had not, when he became such Surety or Bail, or so liable as aforesaid, Notice of any Act of Bankruptcy by such Bankrupt committed.

Obligees in Bottomry or Respondentia Bonds, and Assured in Policy of Insurance, admitted to claim, and after Loss to prove.

CLXXIV. That the Obligee in any Bottomry or Respondentia Bond, and the Assured in any Policy of Insurance, made upon good and valuable Consideration, shall be admitted to claim, and, after the

Loss

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Loss or Contingency shall have happened, to prove his Debt or Demand in respect thereof, and receive Dividends with the other Creditors, as if the Loss or Contingency had happened before the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy against such Obligor or Insurer; and the Person effecting any Policy of Insurance upon Ships or Goods with any Person (as a Subscriber or Underwriter) having become or becoming bankrupt, shall be entitled to prove any Loss to which such Bankrupt shall be liable in respect of such Subscription, although the Person so effecting such Policy was not beneficially interested in such Ships or Goods, in case the Person so interested is not within the United Realm.

Persons effecting Insurance admitted to prove Loss.

Annuity Creditor admitted to prove.

CLXXV. That any Annuity Creditor of any Bankrupt, by whatever Assurance the same be secured, and whether there were or not any Arrears of such Annuity due at the Bankruptcy, shall be entitled to prove for the Value of such Annuity, which Value the Court shall ascertain, regard being had to the original Price given for such Annuity, deducting therefrom such Diminution in the Value thereof as shall have been caused by the Lapse of Time since the Grant thereof to the Date of the Fiat or the filing of the Petition for Adjudication of Bankruptcy.

Sureties for Payment of Annuities granted by Bankrupt, in what Manner to come in, under the Bankruptcy.

CLXXVI. That it shall not be lawful for any Person entitled to any Annuity granted by any Bankrupt to sue any Person who may be collateral Surety for the Payment of such Annuity until such Annuitant shall have proved against such Bankrupt's Estate for the Value of such Annuity, and for the Arrears thereof; and if such Surety, after such Proof, pay the Amount proved, he shall be thereby discharged from all Claims in respect of such Annuity; and if such Surety shall not (before any Payment of the Annuity subsequent to the Bankruptcy shall have become due) pay the Sum so proved, he may be sued for the accruing Payments of such Annuity, until such Annuitant shall have paid or satisfied the Amount so proved, with Interest thereon at the Rate of Four Pounds *per Centum per Annum* from the Time of Notice of such Proof, and of the Amount thereof, being given to such Surety; and after such Payment or Satisfaction such Surety shall stand in the Place of such Annuitant, in respect of such Proof, to the Amount so paid or satisfied by such Surety, and the Certificate of the Bankrupt shall be a Discharge to him from all Claims of such Annuitant or of such Surety in respect of such Annuity; provided that such Surety shall be entitled to Credit, in account with such Annuitant, for any Dividends received by such Annuitant under the Bankruptcy before such Surety shall have fully paid or satisfied the Amount so proved.

Debt contingent at the Time of the Bankruptcy to be provable for the Value thereof

CLXXVII. That if any Bankrupt shall, before the issuing of the Fiat or the filing of a Petition for Adjudication of Bankruptcy, have

contracted any Debt payable upon a Contingency which shall not have happened before the issuing of such Fiat or the filing of such Petition, the Person with whom such Debt has been contracted may, if he think fit, apply to the Court to set a Value upon such Debt, and the Court is hereby required to ascertain the Value thereof, and to admit such Person to prove the Amount so ascertained, and to receive Dividends thereon; or if such Value shall not be so ascertained before the Contingency shall have happened, then such Person may, after such Contingency shall have happened, prove in respect of such Debt, and receive Dividends with the other Creditors, not disturbing any former Dividends; provided such Person had not, when such Debt was contracted, Notice of any Act of Bankruptcy by such Bankrupt committed.

ascertained by the Court, or if Value not ascertained before the Contingency has happened, then, after the Contingency has happened, Amount of Debt may be proved.

CLXXVIII. That if any Trader who shall become bankrupt after the Commencement of this Act shall have contracted, before the filing of a Petition for Adjudication of Bankruptcy, a Liability to pay Money upon a Contingency which shall not have happened, and the Demand in respect thereof shall not have been ascertained before the filing of such Petition, in every such Case, if such Liability be not provable under any other Provision of this Act, the Person with whom such Liability has been contracted shall be admitted to claim for such Sum as the Court shall think fit; and after the Contingency shall have happened, and the Demand in respect of such Liability shall have been ascertained, he shall be admitted to prove such Demand, and receive Dividends with the other Creditors, and, so far as practicable, as if the Contingency had happened and the Demand had been ascertained before the filing of such Petition, but not disturbing former Dividends, provided such Person had not, at the Time such Liability was contracted, Notice of any Act of Bankruptcy by such Bankrupt committed; provided also, that where any such Claim shall not have, either in whole or in part, been converted into a Proof within Six Months after the filing of such Petition, it may, upon the Application of the Assignees at any Time after the Expiration of such Time, and if the Court shall think fit, be expunged either in whole or in part from the Proceedings.

Liability contingent at the Bankruptcy may be admitted to claim, and after Contingency has happened, and the Demand been ascertained, Demand may be proved.

CLXXIX. That in case of the Bankruptcy of any Agent intrusted with the Possession of Goods within the Meaning of an Act passed in the Parliament holden in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act to amend the Law relating to Advances* bonâ fide *made to Agents intrusted with Goods*, the Owner of any Goods so intrusted to such Agent, and which shall have been redeemed by such Owner in manner provided by the said Act after having been pledged by such Agent, shall, in respect of the Sum paid by him on account of such Agent for such Redemption, be held to have paid such Sum for the Use of such Agent before his Bankruptcy,

On Bankruptcy of Agent intrusted with Goods, but which have been pledged by him, Owner may prove for Amount paid to redeem, or for Value if the Goods be unredeemed.

5 & 6 Vict. c. 39.

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Bankruptcy, or in case such Goods shall not be so redeemed the Owner shall be deemed a Creditor of such Agent for the Value of the Goods so pledged at the Time of the Pledge, and shall, if he shall think fit, be entitled in either of such Cases to prove for or set off the Sum so paid, or the Value of such Goods, as the Case may be.

Interest upon Debts, when provable, though not reserved or agreed for.

CLXXX. That upon all Debts or Sums certain, payable at a certain Time or otherwise, whereupon Interest is not reserved or agreed for, and which shall be overdue at the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy and provable thereunder, the Creditor shall be entitled to prove for Interest, to be calculated, at a Rate not exceeding Four Pounds *per Centum per Annum*, up to the Date of the Fiat or the filing of such Petition, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand until the Time of Payment.

Plaintiff or Defendant obtaining Judgment, &c entitled to prove for Costs, &c

CLXXXI. That if any Plaintiff in any Action at Law or Suit in Equity, or Petitioner in Bankruptcy or Lunacy, shall have obtained any Judgment, Decree, or Order against any Person who shall thereafter become bankrupt for any Debt or Demand in respect of which such Plaintiff or Petitioner shall prove under the Bankruptcy, such Plaintiff or Petitioner shall also be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy; and if any Defendant shall have obtained any Judgment, Decree, or Order in any such Action or Suit, or in the Matter of any such Petition, against any Person who shall thereafter become bankrupt, such Defendant shall be entitled to prove for the Costs which he shall have incurred in obtaining the same, although such Costs shall not have been taxed at the Time of the Bankruptcy.

Proving Debt to be an Election not to proceed against the Bankrupt by Action

CLXXXII That no Creditor who has brought any Action or instituted any Suit against any Bankrupt in respect of a Demand prior to the Bankruptcy, or which might have been proved as a Debt under the Bankruptcy, shall prove a Debt under such Bankruptcy, or have any Claim entered upon the Proceedings, without relinquishing such Action or Suit, and the proving or claiming a Debt under a Fiat or Petition for Adjudication of Bankruptcy by any Creditor shall be deemed an Election by such Creditor to take the Benefit of such Fiat or Petition with respect to the Debt so proved or claimed; provided that such Creditor shall not be liable to the Payment to such Bankrupt or his Assignees of the Costs of such Action or Suit so relinquished by him, and that where any such Creditor shall have brought

25. *Of Proof of Debts, &c.*

brought any Action or Suit against such Bankrupt jointly with any other Person or Persons, his relinquishing such Action or Suit against the Bankrupt shall not affect such Action or Suit against such other Person or Persons; provided also, that any Creditor who shall have so proved or claimed, if the Fiat or Petition for Adjudication be afterwards superseded or dismissed, may proceed in the Action as if he had not so proved or claimed, and in bailable Actions shall be at liberty, under the Authority of a Judge's Order for that Purpose, obtained in like Manner as may now by Law be done, to arrest the Defendant *de novo*, if he has not put in Bail below or perfected Bail above, or if the Defendant has put in or perfected such Bail to have recourse against such Bail, by requiring the Bail below to put in and perfect Bail above within the first Eight Days in Term after Notice in the *London Gazette* of the first superseding or dismissing such Fiat or Petition, and by suing the Bail upon their Recognizance, if the Condition thereof is broken.

Court may expunge Proof of any Debts which, after Investigation, do not appear to be due

CLXXXIII. That whenever it shall appear to the Assignees, or to Two or more Creditors who have each proved Debts to the Amount of Twenty Pounds or upwards, that any Debt proved is not justly due, either in whole or in part, such Assignees or Creditors may make Representation thereof to the Court; and it shall be lawful for the Court to summon and examine upon Oath any Person who shall have so proved, together with any Person whose Evidence may appear to the Court to be material, either in support of or in opposition to any such Debt; and if the Court, upon the Evidence given on both Sides, or (if the Person who shall have proved shall not attend to be examined, having been first duly summoned, or Notice having been left at his last Place of Abode,) upon the Evidence adduced by such Assignees or Creditors, shall be of opinion that such Debt is not due, either wholly or in part, the Court shall be at liberty to expunge the same, either wholly or in part, from the Proceedings; provided that such Assignees or Creditors requiring such Investigation shall, before it is instituted, sign an Undertaking, to be filed with the Proceedings, to pay such Costs as the Court shall adjudge to the Creditor who has proved such Debt, such Costs to be recovered by Application to the Court, upon which an Order for Payment thereof may be made by the Court; provided also, that such Assignees or Creditors may apply in the first instance to the Vice Chancellor, or either Party may appeal against the Determination of the Court of Bankruptcy.

Persons requiring Investigation to sign Undertaking for Costs

Application may be made in first instance to Vice Chancellor.

Creditors having Security not to receive more than other Creditors.

CLXXXIV. That no Creditor having Security for his Debt, or having made any Attachment in *London* or in any other Place, by virtue of any Custom there used, of the Goods and Chattels of the Bankrupt, shall receive upon any such Security or Attachment more than a rateable Part of such Debt, except in respect of any Execution

or

25. *Of Proof of Debts, &c.*

or Extent served and levied by Seizure and Sale upon or any Mortgage of or Lien upon any Part of the Property of such Bankrupt before the Date of the Fiat or the filing of a Petition for Adjudication of Bankruptcy: Provided always, that nothing herein contained shall be deemed to give Validity to any Warrant of Attorney, Cognovit, or Consent to a Judge's Order declared to be null and void by any Provision of this Act, nor to give Validity to any Judgment entered up under or by virtue of any such Warrant of Attorney or Consent, or to any Execution or Extent executed or levied under or by virtue of any such Warrant of Attorney, Cognovit, or Consent.

26. *Of the Audit.*

And with respect to the Audit, be it enacted,

Appointment of Sitting for Audit.

CLXXXV. That the Court shall, whenever it shall think fit, appoint a public Sitting to be holden after the Sitting appointed for the last Examination of the Bankrupt, (of which public Sitting and of the Purport whereof Ten Days Notice shall be given in the *London Gazette*,) to audit the Accounts of the Assignees; and at such Sitting the Assignees shall deliver upon Oath a true Statement in Writing of all Money received by them respectively, and when, and on what Account, and how the same has been employed; and the Court shall examine such Statement, and compare the Receipts with the Payments, and ascertain what Balances have been from Time to Time in the Hands of such Assignees respectively, and it shall be lawful for the Court to examine the Assignees upon Oath touching the Truth of such Accounts, and to make therein all just Allowances.

Court may direct Money to be invested in Exchequer Bills.

CLXXXVI. That the Court may, as often as it shall appear expedient for the Bankrupt's Estate, direct any Money, Part of such Estate, to be invested in the Purchase of Exchequer Bills, for the Benefit of the Creditors, and may direct where and with whom such Exchequer Bills shall be kept, and cause such Exchequer Bills to be sold when it shall appear to such Court expedient, and may direct the Proceeds thereof to be again laid out in the Purchase of Exchequer Bills, or to be applied for the Benefit of the Creditors, the making of any such Purchase or Sale to be subject to the Rules or Orders at any Time in force under this Act relating to the Purchase, Sale, or Transfer of Exchequer Bills by the Accountant in Bankruptcy.

27. *Of the Dividend.*

And with respect to the Dividend, be it enacted,

Method of making Dividends.

CLXXXVII. That the Court shall, whenever it shall think fit, appoint a public Sitting to be holden after the Sitting appointed for the last Examination of the Bankrupt, when there are Assets wherewith a Dividend may be made, (of which public Sitting and of the Purport whereof Twenty-one Days Notice shall be given in the *London Gazette*,) to make a Dividend of the Bankrupt's Estate, and shall at such Sitting direct such Part of the net Produce of the Bankrupt's Estate as it may think fit to be forthwith divided amongst such

27. *Of the Dividend.*

such Creditors as have proved Debts under the Bankruptcy, in proportion to their respective Debts, and shall make an Order in Writing under the Hand of the Commissioner for Dividend accordingly, to be filed with the Proceedings, which Order shall contain an Account of the Amount of the Debts proved, of the Money to be divided, of how much in the Pound is then ordered to be paid to the Creditors, and of the Money allowed by the Court to be retained, and of the Reason for retaining the same; and the Official Assignee, in pursuance of such Order, shall forthwith make such Dividend in manner directed by the Rules at any Time in force under this Act relating to the Mode of Payment of Dividends by the Official Assignees; but no Dividend shall be declared unless the Accounts of the Assignees shall have been first audited.

No Dividend without previous Audit.

CLXXXVIII. That if the Bankrupt's Estate shall not have been wholly divided upon the First Dividend, the Court shall, within Eighteen Months after the issuing of the Fiat, or the filing of the Petition for Adjudication of Bankruptcy, appoint a public Sitting (whereof and of the Purport whereof Twenty-one Days Notice shall be given in the *London Gazette*) to make a Second Dividend, when all Creditors who have not proved their Debts may prove the same, and at such Sitting, but after such an Audit as is directed by this Act, shall order the Balance in hand to be forthwith divided among such of the Creditors as shall have proved their Debts; and such Second Dividend shall be final, unless any Action at Law or Suit in Equity be depending, or any Part of the Estate be standing out not sold or disposed of, or unless some other Estate or Effects of the Bankrupt shall afterwards come to the Assignees, in which Case they shall, as soon as may be, convert such Estate and Effects into Money, and within Two Months after the same shall be so converted the same shall also be divided in manner aforesaid; and if at the Expiration of Two Years from the issuing of any Fiat, or the filing of any Petition for Adjudication of Bankruptcy, there shall remain any outstanding Debts or other Property due or belonging to the Estate of the Bankrupt, which cannot, in the Opinion of the Court, be collected and received without unreasonable or inconvenient Delay, it shall be lawful for the Assignees, under the Direction of the Court, to sell and assign such Debts and other Property, and also the Books of the Bankrupt relating to his Trade, Dealings, or Estate, in such Manner and subject to such Conditions as shall be ordered by the Court; and any Person to whom any of such Debts shall be so sold or assigned may sue for the same in his own Name as fully as the Assignees of such Bankrupt might have done.

Final Dividend within Eighteen Months, except where Suit depending, or Estate standing out, &c.

Outstanding Debts, &c. may be sold by the Assignees after a certain Time under the Order of the Court.

CLXXXIX. That Fourteen Days before a final Dividend shall be advertised under any Bankrupt's Estate there shall be sent by the Official Assignee to each Creditor's Assignee of such Estate a Debtor and

Debtor and Creditor Account to be furnished by Official Assignee to Creditors Assignee, &c. before final Dividend.

27. *Of the Dividend.*

and Creditor Account between the Official Assignee and such Estate, showing also the Monies remaining uncollected under such Estate, and the Cause of such Monies remaining uncollected; and a Copy of such Account shall be delivered to any Creditor who shall apply for the same to the Official Assignee, and who shall have proved or claimed a Debt, and to any other Person, such Person, if not a Creditor, paying such Sum, not exceeding Two Shillings and Sixpence, as shall be settled by the Court for every such Copy.

No Action to be brought for Dividends; but the Remedy to be by Application to the Court.

CXC. That no Action for any Dividend shall be brought against any Assignee by any Creditor who shall have proved under the Bankruptcy; but if the Official Assignee shall refuse to pay any such Dividend, the Court may order Payment thereof, with Interest for the Time that it shall have been withheld, and may also order the Costs of the Application.

28. *Of Unclaimed Dividends.*

And with respect to unclaimed Dividends, be it enacted,

Unclaimed Dividends, &c. to be paid into the Bank to the Credit of the Accountant in Bankruptcy, and carried to "Unclaimed Dividend Account"

CXCI. That all unclaimed Dividends, and also any undivided Surplus of a Bankrupt's Estate over and above the Amount finally directed to be divided amongst the Creditors of any Bankrupt, shall be paid into the Bank of *England* to the Credit of the Accountant in Bankruptcy, to be carried to the Account intituled "The Unclaimed Dividend Account," subject to the Order of the Lord Chancellor, or of the Vice Chancellor, or of any Court acting in prosecution of any Bankruptcy, for the Payment thereout of any Dividend due to any Creditor.

How unclaimed Dividends, &c. in the Hands of Assignees to be disposed of.

CXCII. That, subject to any Rule at any Time in force under this Act relating to unclaimed Dividends, if any Assignee under any Bankruptcy shall have, either in his own Hands, or at any Bankers, or otherwise subject to his Order or Disposition, or shall know that there is or are in the Hands or subject to the Order and Disposition of himself and any Co-assignee or Co-assignees, or of any or either of them, any unclaimed Dividend or Dividends, or any such undivided Surplus as aforesaid, such Assignee shall, as to any such now existing unclaimed Dividend or Dividends, within One Year after the passing of this Act, and as to any future Dividend or Dividends within Three Calendar Months next after the Expiration of One Year from the Time of the Declaration and Order of Payment of such future Dividend or Dividends, either pay the same to the Creditor or Creditors or other the Person or Persons entitled to the same respectively, or cause a Certificate thereof respectively to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts, containing a full and true Account of the Name or Names of the Creditor or Creditors to whom such unclaimed Dividend or Dividends is or are respectively due,



and

28. *Of Unclaimed Dividends.*

and of the Amount of such Dividend or Dividends respectively, and shall in like Manner, as to any such now existing undivided Surplus as aforesaid within One Year after the passing of this Act, and as to any such future undivided Surplus as aforesaid within Three Calendar Months next after the Expiration of One Year after the final Declaration of Dividends, cause a Certificate, stating the full and true Amount of such Surplus, to be filed in the Office of the Lord Chancellor's Secretary of Bankrupts; and every Certificate to be filed as aforesaid shall be signed by the Assignee or Assignees filing the same; and every Assignee shall, within One Year next after the filing of any such Certificate as aforesaid, pay or cause to be paid into the Bank of *England* to the Name of the Accountant in Bankruptcy, to be carried to the Account intituled "The Unclaimed Dividend Account," the full Amount of the unclaimed Dividends mentioned in such Certificate, or so much thereof as shall not have been then paid to the Creditor or Creditors or other Person or Persons entitled thereto, and also the full Amount of such undivided Surplus as aforesaid; and every Official Assignee shall cause a Certificate to be filed of all unclaimed Dividends and undivided Surplus belonging to any Bankrupt's Estate under his Care and Management, in such Manner and subject to such Provisions as above prescribed with respect to unclaimed Dividends and undivided Surplus, and as if the Official Assignee had such Dividends or undivided Surplus in his own Hands: Provided always, that no Certificate of any unclaimed Dividends shall be filed until the Expiration of One Year after the Declaration and Order for Payment of such Dividends.

Bank of England to receive from Assignees and give a Receipt for any Sum mentioned in a Certificate of the Accountant in Bankruptcy.

CXCIII. That the Accountant in Bankruptcy shall, on the Application of any Assignee, give to him a Certificate stating the Amount of any Sum of Money which he may be desirous of paying into the Bank of *England* under the Provisions herein-before contained, and on the Production of such last-mentioned Certificate the Governor and Company of the Bank of *England* shall receive the Sum therein mentioned, and give a Receipt for the same, and shall forthwith carry the same to the Credit of the Accountant in Bankruptcy to the Account intituled "The Unclaimed Dividend Account;" and every such Certificate and Receipt shall be given without Fee or Reward.

29. *Of Allowances to the Bankrupt.*

And with respect to Allowances to the Bankrupt, be it enacted,

Allowance to Bankrupt for Maintenance

CXCIV. That it shall be lawful for the Court, if it think fit, from Time to Time to make such Allowance to the Bankrupt out of his Estate, until he shall have passed his last Examination, as shall be necessary for the Support of himself and his Family: Provided always, that no such Allowance shall be made by the Court for any Period after the Adjournment of the last Examination *sine Die*.

CXCV. That

29. *Of Allowances to the Bankrupt.*

Allowance to Bankrupt, 5 per Cent., and not exceeding 400*l.*, as soon as 10*s.* paid in the Pound;

7½ per Cent., and not exceeding 500*l.*, if 12*s.* 6*d.*;

10 per Cent., and not exceeding 600*l.*, if 15*s.*

Allowance not payable till Twelve Months after the Bankruptcy, and then only if requisite Amount of Dividends paid.

If at Expiration of Twelve Months the Dividends paid be under 10*s.*, Bankrupt may be allowed not exceeding 3 per Cent., and 300*l.*

CXCV. That every Bankrupt who shall have obtained his Certificate, if the net Produce of his Estate in hand shall by any Order of Dividend (with or without prior Dividend) pay the Creditors who before or at the Time of making such Order have proved under the Bankruptcy Ten Shillings in the Pound, shall be allowed and paid Five Pounds *per Centum* out of such Produce, provided such Allowance shall not exceed Four hundred Pounds; and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors Twelve Shillings and Sixpence in the Pound, shall be allowed and paid as aforesaid Seven Pounds Ten Shillings *per Centum*, provided such Allowance shall not exceed Five hundred Pounds; and every such Bankrupt, if such Produce shall (with or without prior Dividend) pay such Creditors Fifteen Shillings in the Pound or upwards, shall be allowed and paid Ten Pounds *per Centum*, provided such Allowance shall not exceed Six hundred Pounds; provided always, that no such Allowance shall be payable to any Bankrupt until after the Expiration of Twelve Months from the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, and such Allowance shall then be payable only in the event of the Dividends paid to the Creditors who at any Time before the Expiration of such Twelve Months shall have proved Debts, being of the requisite Amount in that Behalf aforesaid; and if at the Expiration of such Time the Dividends paid shall not amount to Ten Shillings in the Pound, it shall be lawful for the Court to allow such Bankrupt so much as the Assignees and Court shall think fit, not exceeding Three Pounds *per Centum* and Three hundred Pounds: Provided always, that the Court shall, if it think fit, reduce any Allowance in case it shall have only granted the Bankrupt a Certificate of the Second or Third Class.

One Partner may receive Allowance, although other not entitled.

CXCVI. That in all joint Fiats or Petitions for Adjudication of Bankruptcy under which any Partner shall have obtained his Certificate, if a sufficient Dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner, he shall be entitled to his Allowance, although the other Partner may not be entitled to any Allowance.

If Produce of Estate pay Twenty Shillings in the Pound, and leave Surplus, such Surplus to be paid to Bankrupt after Payment of Interest on Debts.

CXCVII. That if the Produce of the Estate of any Bankrupt shall be sufficient to pay Twenty Shillings in the Pound and Interest as herein-after mentioned, and to leave a Surplus, the Court may order such Surplus to be paid to such Bankrupt, his Executors, Administrators, or Assigns; and every such Bankrupt shall be entitled to recover the Remainder, if any, of the Debts due to him; but such Surplus shall not be paid until all the Creditors who have proved shall have received Interest upon their Debts to be calculated and paid at the Rate and in the Order following; *viz.*, all Creditors

29. *Of Allowances to the Bankrupt.*

Creditors whose Debts are by Law entitled to carry Interest in the event of a Surplus shall first receive Interest on such Debts at the Rate of Interest reserved or by Law payable or provable thereon, to be calculated from the Date of the Fiat or the filing of the Petition for Adjudication of Bankruptcy; and after such Interest shall have been paid, all other Creditors who have proved shall receive Interest on their Debts from the Date of the Fiat or of such Petition at the Rate of Four Pounds *per Centum per Annum.*

30. *Of the Certificate of Conformity.*

And with respect to the Certificate of Conformity, be it enacted,

Mode of obtaining Certificate of Conformity.

CXCVIII. That forthwith after the Bankrupt shall have passed his last Examination, the Court shall appoint a public Sitting for the Allowance of his Certificate (whereof and of the Purport whereof Twenty-one Days Notice shall be given in the *London Gazette* and to the Solicitor of the Assignees), and at such Sitting the Assignees or any of the Creditors of such Bankrupt who shall have given to the Registrar of the Court Three clear Days Notice in Writing of his Intention to oppose, may be heard against the Allowance of such Certificate; and the Court, having regard to the Conformity of the Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, and whether the Allowance of such Certificate be opposed by any Creditor or not, shall judge of any Objection against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or refuse or suspend the Allowance thereof, or annex such Conditions thereto as the Justice of the Case may require.

Certificate to be under Hand and Seal, and to certify the Bankrupt's Conformity, &c.; no Certificate allowed before the Commencement of this Act, shall require Confirmation.

CXCIX. That the Certificate of Conformity under this Act shall be in Writing under the Seal of the Court and the Hand of the Commissioner, and shall certify that the Bankrupt has made a full Discovery of his Estate and Effects, and in all things conformed, and that, so far as the Court can judge, there does not appear any Reason to question the Truth or Fulness of such Discovery (and shall be in the Form contained in the Schedule Z. to this Act annexed, or to the like Effect); and Notice of the Allowance of such Certificate and of the Class thereof shall be advertised in the *London Gazette*, in such Manner as may be directed by any Rule or Order to be made in pursuance of this Act; and every Certificate of Conformity allowed by any Commissioner before the Time appointed for the Commencement of this Act, though not confirmed according to the Laws in force before that Time, shall discharge the Bankrupt from all Debts due by him when he became bankrupt, and from all Claims and Demands made provable under the Fiat.

Certificate to discharge Bankrupt from all Debts due by him when he became bankrupt.

CC. That the Certificate of Conformity allowed under this Act, subject to the Provisions herein contained, shall discharge the Bankrupt

30. *Of the Certificate of Conformity.*

rupt from all Debts due by him when he became bankrupt, and from all Claims and Demands made provable under the Bankruptcy: Provided always, that no such Certificate shall release or discharge any Person who was a Partner with such Bankrupt at the Time of his Bankruptcy, or was then jointly bound or had made any joint Contract with such Bankrupt.

Bankrupt not entitled to Certificate if he has lost by Gaming 20*l.* in One Day, or 200*l.* within Twelve Months, or 200*l.* by Stock-jobbing; or

CCI. That no Bankrupt shall be entitled to a Certificate of Conformity under this Act, and any such Certificate, if allowed, shall be void, if such Bankrupt shall have lost by any Sort of Gaming or Wagering in One Day Twenty Pounds, or within One Year next preceding the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy Two hundred Pounds, or if he shall within One Year next preceding the issuing of the Fiat or the filing of such Petition have lost Two hundred Pounds by any Contract for the Purchase or Sale of any Government or other Stock, where such Contract was not to be performed within One Week after the Contract, or where the Stock bought or sold was not actually transferred or delivered in pursuance of such Contract; or if such Bankrupt shall after an Act of Bankruptcy, or in contemplation of Bankruptcy, or with Intent to defeat the Object of this or any other Statute relating to Bankrupts, have parted with, concealed, destroyed, altered, mutilated, or falsified, or caused to be concealed, destroyed, altered, mutilated, or falsified, any of his Books, Papers, Writings, or Securities, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document with Intent to defraud his Creditors, or shall have concealed any Part of his Property, or if any Person having proved a false Debt under the Bankruptcy, such Bankrupt being privy thereto, or afterwards knowing the same, shall not have disclosed the same to his Assignees within One Month after such Knowledge.

concealed or destroyed Books, &c.;

or made fraudulent Entries, or concealed any Property, or permitted fictitious Debts to be proved.

Contract or Security to induce Creditor to forbear Opposition, void.

CCII. That any Contract or Security made or given by any Bankrupt or other Person unto or in trust for any Creditor, for securing the Payment of any Money due by such Bankrupt at his Bankruptcy, as a Consideration or with Intent to persuade such Creditor to forbear opposing, or to consent to the Allowance of the Bankrupt's Certificate, or to forbear to petition for the Recall of the same, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable, and the Party sued on such Contract or Security may plead the General Issue, and give this Act and the special Matter in Evidence.

Certificate may be recalled.

CCIII. That at any Time within Six Months after any Certificate of Conformity shall have been allowed, and subject to such Order as to Deposit of Costs as may by any General Rule or Order to be made

30. *Of the Certificate of Conformity.*

made in pursuance of this Act be directed, any Creditor of the Bankrupt, or any Assignee, official or other, may apply to the Vice Chancellor that such Certificate may be recalled and delivered up to be cancelled; and the Vice Chancellor may, on good Cause shown, order such Certificate to be recalled and cancelled.

Bankrupt not liable upon any Promise to pay Debt discharged by Certificate.

CCIV. That no Bankrupt, after his Certificate shall have been allowed, shall be liable to pay or satisfy any Debt, Claim, or Demand from which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand, upon any Contract, Promise, or Agreement made after the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy, and if any Bankrupt be sued upon any such Contract, Promise, or Agreement, he may plead the General Issue, and give this Act and the special Matter in Evidence.

Bankrupt having obtained his Certificate, free from Arrest.

Certificate to be Evidence of the Bankruptcy and Proceedings, and Bankrupt in Execution may be discharged.

CCV. That any Bankrupt who shall, after his Certificate shall have been allowed, be arrested, or have any Action brought against him, for any Debt, Claim, or Demand provable under his Bankruptcy, shall be discharged upon entering an Appearance, and may plead in general that the Cause of Action accrued before he came bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate shall be sufficient Evidence of the Trading, Bankruptcy, Fiat, or Petition for Adjudication, and other Proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, where Judgment has been obtained before the Allowance of his Certificate, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt's producing his Certificate, to order any Officer who shall have such Bankrupt in Custody by virtue of such Execution to discharge such Bankrupt without exacting any Fee, and such Officer shall be hereby indemnified for so doing.

Certificate not to be delivered to Bankrupt until after Expiration of Time for Appeal and if Appeal duly entered, Certificate to be further kept by the Court to abide the Judgment of the Vice Chancellor.

CCVI. That no such Certificate shall be delivered to the Bankrupt until after the Expiration of the Time allowed for entering an Appeal; and if an Appeal be duly entered against the Judgment of such Court for the Allowance of the Certificate, or for the Refusal, the withholding, or the Class of the Certificate, and Notice thereof be given to the Court in such Manner as may by any General Rule or Order to be made in pursuance of this Act be directed, the Certificate shall be further kept by the Court, and abide the Judgment of the Vice Chancellor thereupon; and upon any Appeal duly entered and prosecuted relating to the Certificate or to the Judgment of the Court as to any Offence under this Act charged against the Bankrupt, the Vice Chancellor shall have Power to rescind or vary the

30. *Of the Certificate of Conformity.*

the Order of the Court below, or to make such other Order thereon as he may think fit; and upon an Order for the Allowance of any Certificate by the Vice Chancellor, and whether with Conditions or not, or after a Suspension thereof by Order of the Vice Chancellor or not, such Certificate may be allowed and signed by the Court below, or by the Vice Chancellor.

Allowance of the Certificate, and Refusal or Suspension thereof, except in case of Appeal, to be final and conclusive, unless obtained fraudulently.

CCVII. That the Allowance of the Certificate by the Court, and any Order for the Refusal or Suspension of the Allowance thereof, except in case of Appeal, shall be final and conclusive, and shall not be reviewed by the Court, unless the Court shall thereafter see good and sufficient Cause to believe that the Allowance of such Certificate, or the Refusal or Suspension thereof, has been obtained on false Evidence or by reason of an improper Suppression of Evidence, or has otherwise been fraudulently obtained, in any of which Cases it shall and may be lawful for the Court, upon the Application of the Bankrupt, or of any Creditor of the Bankrupt, and subject to such Order as to Deposit of a Sum for Costs, and to such Notices to the Bankrupt and to Creditors, by Advertisement or otherwise, as the Court shall think fit, to grant a Re-hearing of the Matter, and to re-hear the same accordingly; and upon such Re-hearing the Court shall make such Order as to the Allowance of the Certificate, or the Refusal or Suspension thereof, as the Justice of the Case may require, in like Manner, upon like Conditions, and having regard to the like Circumstances, so far as the Case will admit, as upon an original Hearing; and in case the Certificate shall have been previously allowed, and upon such Re-hearing the Allowance thereof shall not be confirmed, such Certificate shall have no Force or Effect whatever, and the same shall be delivered up to the Court and cancelled.

31. *Of Estates Tail.*

And with respect to Estates Tail and Base Fees, be it enacted,

Clauses in 3 & 4 W. 4. c. 74., with respect to the Disposition of Estates Tail under Bankruptcies, extended to Proceedings under Petition for Adjudication

CCVIII. That such of the Clauses of an Act passed in the Fourth Year of the Reign of King *William* the Fourth, intituled *An Act for the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance*, as are numbered respectively in the Copies of that Act printed by Her Majesty's Printers LVI, LVII, LVIII, LIX, LX, LXI, LXII, LXIII, LXIV, LXV, LXVI, LXVII, LXVIII, LXIX, LXXI, LXXII, LXXIII, shall extend and apply to Proceedings in Bankruptcy under a Petition for Adjudication of Bankruptcy, as fully and effectually as if those Clauses were re-enacted in this Act, and expressly extended to such Proceedings.

32. *Of Copyholds.*

And with respect to Copyholds, be it enacted,

Court may make Sale of Copyhold Lands, for the Benefit of Creditors

CCIX. That the Court shall have Power to sell, and by Deed indented, and enrolled in the Courts of the Manor or Manors whereof the Lands respectively may be holden, to convey, for the Benefit of the

the Creditors, any Copyhold or Customaryhold Lands, or any Interest to which any Bankrupt is entitled therein, and thereby to entitle or authorize any Person or Persons on behalf of the Court of Bankruptcy to surrender the same, for the Purpose of any Purchaser being admitted thereto.

32. *Of Copyholds.*

CCX. That every Person to whom any such Conveyance of Copyhold or Customary Lands or Tenements, or of any such Interest therein, shall be made, shall, before he enter into or take any Profit of the same, agree and compound with the Lords of the Manors of whom the same shall be holden for such Fines, Dues, and other Services as theretofore have been usually paid for the same, and thereupon the said Lords shall, at the next or any subsequent Court to be holden for the said Manors, grant unto such Vendee, upon Request, the said Copy or Customary Lands or Tenements, for such Estate or Interest as shall have been so conveyed to him as aforesaid, reserving the ancient Rents, Customs, and Services, and shall admit him Tenant of the same.

Vendees of Copyhold Lands shall compound with the Lord for their Fines

33. *Of Arrangements under the Control of the Court.*

And with respect to Arrangements between Debtors and their Creditors under the Superintendence and Control of the Court, be it enacted,

CCXI. That any such Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under the Superintendence and Control of the Court of Bankruptcy, and of submitting himself to the Jurisdiction of the Court, in manner herein-after mentioned, may present a Petition to the Court, setting forth the true Cause of such Inability, and praying that his Person and Property may be protected from all Process until further Order; and the Court, on such Petition, shall have Power to grant such Protection, and may renew the same from Time to Time as it shall think fit, and, if the Petitioner be in Prison or in Custody for Debt, may, except in the Cases next herein-after mentioned, order his immediate Release, either absolutely or on Condition, and may take Bail for his Attendance at the several Sittings of the Court herein-after mentioned: Provided always, that the Court shall not order such Release where it shall appear by any Judgment, Order, Commitment, or Sentence under which such Petitioner is in Prison or in Custody, or by the Record or Entry of any such Judgment, Order, Commitment, or Sentence, and the Pleadings or Proceedings previously thereto, that he is in Prison or in Custody for any Debt contracted by Fraud or Breach of Trust, or by reason of any Prosecution against him whereby he had been convicted of any Offence, or for any Debt contracted by reason of any Judgment in any Proceeding for Breach of

Any Trader unable to meet his Engagements with his Creditors may petition the Court for Protection

33.
*Of Arrangements under the Control of the Court.*

of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy: Provided also, that such Release shall in nowise affect any Rights of the Creditor at whose Suit such Petitioner may be in Prison or in Custody against such Petitioner, except the Right of detaining him in Prison or in Custody, whilst protected from Imprisonment by Order of the Court.

Petition to be supported by Affidavit.

CCXII. That every such Petition shall be in the Form contained in the Schedule A a. to this Act annexed, and be filed and prosecuted in the Court within the District of which the Petitioner shall have resided or carried on Business for Six Months next immediately preceding the Time of filing such Petition, unless the Senior Commissioner shall order the same to be filed and prosecuted or further prosecuted in any other District, and which Order he shall have Power to make, and the Date of filing every such Petition shall be endorsed thereon, and there shall be filed therewith an Affidavit in the Form contained in the Schedule A b. to this Act annexed.

Court to appoint private Sitting and Official Assignee, &c.

CCXIII. That forthwith after the granting of any Order for Protection, the Court shall appoint a private Sitting to be held at such Time and Place as it may name, and shall at the same Time appoint an Official Assignee to act in the Matter of such Petition, and upon sufficient Cause shown may, if it shall think fit, direct that the Estate and Effects of the Petitioner, or any Part thereof, shall be possessed and received by such Official Assignee, or be taken possession of by the Messenger of the Court; and all Stock, Monies, and other Effects of the Petitioner shall be transferred, delivered, and paid by the Official Assignee into the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to be subject to the like Rule and Regulation for the keeping the Account of the said Monies and other Effects, and for the Payment and Delivery in, Investment, and Payment and Delivery out of the same, as in Bankruptcy, and the Court shall have Power to examine on Oath such Petitioner, or any Witness produced by him, or any Creditor or Person claiming to be a Creditor of such Petitioner, and to adjourn such private Sitting or any subsequent private Sitting, from Time to Time as it shall think fit; and Notice of such private Sitting shall be given in Writing to every Creditor not less than Fourteen Days before the same is held, such Notice to be sent by Post addressed to every Creditor at his last known Place of Business or Residence.

CCXIV. That

33. *Of Arrangements under the Control of the Court.*

Petitioning Debtor to file Account Ten Days before the Day appointed for private Sitting, and furnish Official Assignee with a Copy.

CCXIV. That such Petitioning Trader shall, Ten Days before the Day appointed for the private Sitting of the Court, file in Court, and in such Form as may by any Rule or Order to be made in pursuance of this Act be directed, a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property, of what Kind soever, held in trust for him, and shall therein set forth such Proposal as he is able to make for the future Payment or the Compromise of such Debts or Engagements, and shall furnish the Official Assignee with a Copy of such Account.

At first Sitting Creditors to prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of 10*l.* and upwards assent to Proposal, Sitting for Confirmation to be appointed.

CCXV. That at the private Sitting of the Court appointed in manner herein-before mentioned, or at any Adjournment thereof, the Creditors shall prove their Debts, (such Proofs to be in all respects as Proofs in Bankruptcy,) and the Petitioning Trader shall attend, and make Oath of the Truth of the Account filed by him, and may be examined thereon; and if at such Sitting, or at any Adjournment thereof, Three Fifths in Number and Value of the Creditors who have proved Debts to the Amount of Ten Pounds shall assent to the Proposal of such Petitioner, or to any Modification thereof, the Court shall appoint another private Sitting for the Confirmation of such Proposal or modified Proposal, and such Second Sitting shall be held not earlier than Fourteen Days from the First Sitting, and Notice thereof in Writing shall be personally served on every Creditor who was not present by himself or his appointed Agent at such First Sitting Seven clear Days at least before the Day appointed for such Second Sitting; provided always, that the Court, if it shall think fit, may make Order in any special Case that Service of such Notice at the last known Place of Abode or Business of any Creditor shall be deemed good Service.

If at Second Sitting Three Fifths in Number and Value of the Creditors who have proved Debts to the Amount of 10*l.* and upwards agree to accept, Resolution to be binding on all; and Court, if it think the Proposal reasonable and proper to be executed, to approve and confirm the same.

CCXVI. That at such Second Sitting, or at any Adjournment thereof, the Creditors may also prove their Debts, and if Three Fifths in Number and Value of those who have proved Debts to the Amount of Ten Pounds shall agree to accept such Proposal as was assented to at the First Sitting, the Terms thereof shall be reduced into Writing, and the Creditors shall sign the same; and such Resolution or Agreement (subject to such Confirmation as is herein-after mentioned) shall thenceforth be binding and of full Force, as well against such Petitioning Trader as against all Persons who were Creditors at the Date of his Petition, and who had Notice of the said several Sittings of the Court; and the Court, if it shall think the same reasonable and proper to be executed, after hearing such Creditors, by themselves, their

33. *Of Arrangements under the Control of the Court.*

their Counsel or Attornies, as may desire to be heard either for or against such Resolution or Agreement, shall approve and confirm the same, and cause it to be filed and entered of Record, and shall grant to the Petitioner a Certificate of the filing and entering of Record of such Approval and Confirmation, and shall from Time to Time endorse on such Certificate a Protection from Arrest; and such Petitioner shall be free from Arrest at the Suit of any Person being a Creditor at the Date of his Petition, and having had such several Notice or Notices as aforesaid; and any Officer arresting such Petitioner at the Suit of any such Creditor, and on Sight of such Certificate and Protection not releasing such Petitioner, shall be liable to such Penalty as is provided respecting Bankrupts in the like Case; provided however, that no such Protection shall be valid in favour of any such Petitioner who shall be proved to have been about to abscond beyond the Jurisdiction of the Court, or who has concealed or is concealing any Part of his Estate or Effects, nor against any Creditor whose Debt is not truly specified in the Account filed by such Petitioner, nor against any Creditor whose Debt has been contracted by such Petitioner by any Manner of Fraud or Breach of Trust.

Person authorized by Letter of Attorney may vote.

CCXVII. That any Person duly authorized by Letter of Attorney from any Creditor who has proved a Debt to the Amount of Ten Pounds and upwards shall be entitled to vote on the Question of Assent or Dissent to the Proposal of such Petitioning Trader.

Estate to vest in Official Assignee, and either alone or (if required by Resolution) jointly with any other Person.

CCXVIII. That from and after the Date of the Approval and Confirmation of such Resolution or Agreement all the Estate and Effects of such Petitioning Trader shall vest in the Official Assignee (if such shall be required by virtue of such Resolution, and either alone or jointly with any Person or Persons, as may be expressed in such Resolution,) as fully as if such Official Assignee were an Assignee under any Bankruptcy; and every such Official Assignee may sue and be sued as if he were such Assignee; and in the event of the Death, Resignation, or Removal of any such Official Assignee, the Court shall have Power to appoint another; and if the Estate and Effects shall have vested in such Official Assignee, the same shall vest in the new Official Assignee so appointed, in the same Manner as in Bankruptcy.

Official Assignee to file Account every Six Months.

CCXIX. That the Official Assignee shall once at least in every Six Months, or oftener if the Court shall require it, produce to the Court, on Oath, a full and true Account of all Monies, Property, and Effects of such Petitioning Trader which have come to his Hands, and of the Disposal thereof; and the Court shall examine the

33.
*Of Arrangements under the Control of the Court.*

the same, and shall certify the Result of such Examination, and, if need be, order Payment to the Creditors of such Petitioner, according to the Terms of the Resolution or Agreement, and may in such Account make all just Allowances, and may order Payment to the Official Assignee of such Sum as a Remuneration for his Services as shall appear to be just and reasonable.

If any Difficulty arise in the Execution of Resolution, &c., a Special Sitting may be held.

CCXX. That in case any Difficulty shall arise in the Execution of the said Resolution or Agreement it shall be lawful for the Court to cause a Special Sitting of the Court to be held; and the Resolution of the Majority of the Creditors at such Sitting who have proved Debts to the Amount of Ten Pounds, to confirm, alter, or annul the whole or any Part of such Resolution or Agreement, shall be as valid as if it had been Part of the original Resolution or Agreement: Provided, however, that if One Third in Number and Value of the Creditors of such Petitioning Trader do not attend such Sitting, the Resolution thereof shall not be valid unless the same is approved and confirmed by the Court.

When Resolution or Agreement has been carried into effect, Court to give Petitioning Debtor a Certificate thereof, and such Certificate to operate as a Certificate of Conformity

CCXXI. That so soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of such Petitioning Trader shall have been satisfied, according to the Tenor thereof, the Court shall give to such Petitioner a Certificate under the Hand and Seal of the Commissioner in the Form contained in the Schedule A c. to this Act annexed, setting forth the filing of the Petition, the Resolution or Agreement of the Creditors, and that the said Resolution or Agreement has been fully carried into effect; and such Certificate shall thenceforth operate to all Intents and Purposes as fully as if the same were a Certificate of Conformity under a Bankruptcy, except only that any Debt which shall have been contracted wholly or in part by reason of any Manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy, shall not be barred by such Certificate.

Court on being satisfied that Official Assignee has fully performed his Trust, to give him a Certificate thereof.

CCXXII. That the Court, on being satisfied that the Official Assignee has fully performed his Trust, shall give to him a Certificate thereof in the Form contained in the Schedule A d. to this Act annexed; and such Certificate shall be a full Release and

33.
*Of Arrangements under the Control of the Court.*

Acquittance to such Official Assignee, both in Law and Equity, for all Matters done by him as such Official Assignee.

If Petitioning Debtor do not attend Sittings of the Court, or if he do not file Account, &c., Petition to be dismissed, and if at first Sitting Proposal be not assented to, or if Debts contracted by Fraud, &c., or if Petitioning Debtor has not made true Discovery, &c., Court may adjudge him bankrupt, and adjourn the Proceedings into the public Court, &c.

CCXXIII. That if such Petitioning Trader shall not duly attend the Sittings of the Court, or if he shall not file his Account in manner aforesaid, within such extended Time as may be allowed him by the Court for such Purpose, or if he shall fail to obey any Order of the Court which may be made in the Matter of his Petition, such Petition shall be dismissed; and if at the first private Sitting of the Court, or at any Adjournment thereof, the Proposal of the Petitioner, or some Modification thereof, be not assented to, or if at any Time after the filing of any Petition for Protection it shall be shown to the Satisfaction of the Court, by any Creditor, that the Debts of such Petitioner, or any Part thereof, have been contracted by reason of any manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, malicious Arrest, malicious Trespass, maliciously suing out a Fiat in Bankruptcy, or maliciously filing or prosecuting a Petition for Adjudication of Bankruptcy, or if it shall be shown that the Affidavit filed with his Petition was wilfully untrue, so far as concerned the Assets ready to be produced by him, or that he has not made a full Disclosure of his Debts and Credits, Estate and Effects, and is not desirous of making a *bonâ fide* Arrangement with all his Creditors, or that his Proposal to that Effect is not reasonable and proper to be executed under the Direction of the Court, or that he has postponed the Presentation of his Petition longer than was excusable, or if within Three Months of the Time of presenting his Petition he shall have assigned, transferred, or made away with any Portion of his Estate or Effects otherwise than in due Course, or shall have voluntarily done or suffered any Act whereby his Goods shall have been taken in Execution, it shall be lawful for the Court to adjudge such Petitioner a Bankrupt, and to adjourn all further Proceedings in the Matter into the public Court, and to advertise such Adjudication, and appoint Sittings for Choice of Assignees and for last Examination, as in Bankruptcy; and such Petitioner shall thenceforth be amenable to the Jurisdiction of the Court in the same Manner as any other Bankrupt, and any Proposal which may have been made or assented to or confirmed shall be wholly and altogether void; and the Court shall have Power, at any Time, on the Application of any Creditor, to appoint a private Sitting for the Purpose of such Inquiry, and may summon before it such Petitioning Trader, or any other Person, and examine him upon Oath touching

touching such Matters; and every such Summons and Examination shall be enforced in such Manner as Summonses and Examinations are enforced in Matters of Bankruptcy.

33. *Of Arrangements, &c.*

34. *Of Arrangements by Deed.*

And with respect to Arrangements by Deed, be it enacted,

Deed of Arrangement entered into between any Debtor and his Creditors, and executed by Six Sevenths in Number and Value of the Creditors whose Debts amount to Ten Pounds and upwards, to be binding on all.

CCXXIV. That every Deed or Memorandum of Arrangement now or hereafter entered into between any such Trader and his Creditors, and signed by or on behalf of Six Sevenths in Number and Value of those Creditors whose Debts amount to Ten Pounds and upwards, touching such Trader's Liabilities, and his Release therefrom, and the Distribution, Inspection, Conduct, Management, and Mode of winding-up of his Estate, or all or any of such Matters, or any Matters having reference thereto, shall (subject to the Conditions herein-after mentioned) be as effectual and obligatory in all respects upon all the Creditors who shall not have signed such Deed or Memorandum of Arrangement as if they had duly signed the same; and such Deed or Memorandum, when so signed, shall not be or be liable to be disturbed or impeached by reason of any prior or subsequent Act of Bankruptcy: Provided always, that every Creditor shall be accounted a Creditor in Value in respect of such Amount only as, upon an Account fairly stated, after allowing the Value of mortgaged Property and other such available Securities or Liens from such Trader, shall appear to be the Balance due to him.

Deed not to be effectual upon Creditor who has not signed, until after Expiration of Three Months from Notice of Suspension and of proposed Deed, &c., unless Court shall otherwise order

CCXXV. That no such Deed or Memorandum of Arrangement shall be effectual or obligatory upon any Creditor who shall not have signed the same, until after the Expiration of Three Months from the Time at which such Creditor shall have had Notice from such Trader of his Suspension of Payment, and of such Deed or Memorandum of Arrangement, unless such Trader shall within such Time obtain from the Court an Order or Certificate of the said Court declaring or certifying that such Deed or Memorandum of Arrangement has been duly signed by or on behalf of such Majority of the Creditors as aforesaid; and it shall be lawful for the Court within the District of which the Trader shall have resided or carried on Business for Six Months next immediately preceding his Suspension of Payment to make such Order or Certificate on the Petition of any such Trader, and to exercise Jurisdiction in and over the Matters of any such Application; and no Creditor who shall not have had Fourteen Days Notice of any intended Application for such Order or Certificate as aforesaid shall be bound thereby.

Trustee or Inspector, &c. to certify as to proper Number of Creditors having signed, which Certificate shall be filed, &c.

CCXXVI. That when the Trustee or Inspector under any such Deed or Memorandum of Arrangement, or, if there shall be no such Trustee or Inspector, when any Two of the Creditors, shall be satisfied

34.
*Of Arrangements by Deed.*

fied that Six Sevenths in Number and Value of the Creditors whose Debts amount to Ten Pounds and upwards have signed such Deed or Memorandum, it shall be lawful for such Trustee or Inspector, or for such Two Creditors, as the Case may be, to certify the same to the Court in Writing, and such Certificate shall be filed with the Registrar of the Court, and shall thereupon be *primâ facie* Evidence in all Courts of Law and Equity that such Deed or Memorandum of Arrangement has been so signed.

Account of Debts, &c to be annexed to such Certificate, and to be verified by Affidavit of Arranging Debtor.

CCXXVII. That every such Certificate as last aforesaid shall have appended thereto a full Account of the Debts of such Trader, together with the Names, Residences, and Occupations of his Creditors, and shall be accompanied by an Affidavit by such Trader verifying the same; and any Omission in such Account or the Insertion therein of any Debt not really existing, or of any larger Amount of Debt than that really existing, and which shall appear to the Court to have been made through the culpable Negligence or Fraud of such Trader, with Intent to defraud any of his Creditors, shall deprive him of the Benefit of the Provisions of this Act with respect to Arrangements by Deed, and of the Discharge proposed in any such Deed or Memorandum of Arrangement: Provided always, that any Omission, Insertion, or Incorrectness in such Account, which shall not have been made through such culpable Negligence or Fraud as aforesaid, shall not defeat or otherwise affect such Deed or Memorandum of Arrangement.

Creditors to have the same Rights as in Bankruptcy, and not to be prejudiced with respect to their Rights against Third Persons.

CCXXVIII. That the Creditors of every such Trader shall have the same Rights respectively as to Set-off, mutual Credit, Lien, and Priority, and joint and separate Assets shall be distributed, in like Manner as in Bankruptcy; and no Creditor shall be prejudiced or affected by being a Party to any such Deed or Memorandum of Arrangement as aforesaid, or by the same being obligatory upon him as to his Right or Remedy against any Person other than such Trader; and every Person who would be entitled to prove in Bankruptcy shall be deemed a Creditor within the Meaning of the Provisions of this Act with respect to Arrangements by Deed.

In case of improper Administration any Creditor may apply to the Court.

CCXXIX. That if any Creditor of any Trader shall be desirous to show that the Administration of the Estate of such Trader has not been duly conducted in conformity with such Deed or Memorandum of Arrangement, it shall be lawful for him to apply to the Court by Petition, supported by Affidavit, stating any Facts or Circumstances to show that such Administration has not been duly conducted, and thereupon the Court shall have full Power and it is hereby fully authorized to consider the Subject Matter of such Application,

Application, and if it shall think fit may direct any Inquiry, and in such Manner as it shall think proper, into the Subject of such Application, and generally may make such Order and exercise such Jurisdiction in or over the Subject Matter of such Application and the Costs thereof as to the said Court shall appear just.

34. *Of Arrangements by Deed.*

And with respect to Composition after Adjudication of Bankruptcy, be it enacted,

35. *Composition after Bankruptcy.*

If after Adjudication Nine Tenths in Number and Value of Creditors accept Composition, the same shall bind the rest

CCXXX. That any Bankrupt, at any Time after he shall have passed his last Examination, may call a Meeting of his Creditors (whereof, and of the Purport whereof, Twenty-one Days Notice shall be given in the *London Gazette*), and if the Bankrupt or his Friends shall make an Offer of Composition, and Nine Tenths in Number and Value of the Creditors assembled at such Meeting shall agree to accept the same, another Meeting for the Purpose of deciding upon such Offer shall be appointed to be holden, whereof such Notice shall be given as aforesaid, and if at such Second Meeting Nine Tenths in Number and Value of the Creditors then present shall also agree to accept such Offer, the Court shall and may, upon such Acceptance being testified by them in Writing, and upon Payment of such Sum as the Court shall direct, annul the Adjudication of Bankruptcy, and supersede or dismiss the Fiat or Petition for Adjudication, and every Creditor of such Bankrupt shall be bound to accept of such Composition so agreed to.

Mode of voting in deciding upon such Composition.

CCXXXI. That in deciding upon the Offer of Composition no Creditor whose Debt is below Twenty Pounds shall be reckoned in Number, but the Debt due to such Creditor shall be computed in Value; and every Creditor to the Amount of Fifty Pounds and upwards residing out of *England* shall be personally served with a Copy of the Notice of the Meeting to decide upon such Offer as aforesaid, and of the Purpose for which the same is called so long before such Meeting as that he may have Time to vote thereat, and such Creditor shall be entitled to vote by Letter of Attorney, executed and attested in manner required for a Creditor's voting in the Choice of Assignees; and if any Creditor shall agree to accept any Gratuity or higher Composition for assenting to such Offer, he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Bankrupt shall (if thereto required) make Oath before the Court that there has been no such Transaction between him, or any Person with his Privity, and any of the Creditors, and that he has not used any undue Means or Influence with any of them to attain such Assent.



And

36.
*Of Evidence.*

And with respect to Evidence, be it enacted,

Officer of Court to produce Proceedings and give Copies thereof.

CCXXXII. That the proper Officer of the Court in *London* and in the several Districts in the Country shall, on the reasonable Request of any Bankrupt or Arranging Debtor, or of any Creditor of such Bankrupt having proved his Debt, or of an Arranging Debtor, when the Debt of the Arranging Creditor has been admitted in the Petition or proved, or on the like Request of the Attorney of any such Bankrupt, Debtor, or Creditor, produce and show to such Bankrupt, Debtor, Creditor, or Attorney, at such Times as the Court shall direct, every Fiat, Petition for Adjudication of Bankruptcy, Adjudication of Bankruptcy, and Petition for Arrangement, against or by such Bankrupt, and all Orders and Proceedings under any such Fiat, Petition, or Adjudication, and the Court shall order the Official Assignee or Officer of the Court, as the Case may be, to permit such Bankrupt, Debtor, Creditor, or Attorney to have Inspection at all reasonable Times of all Books, Papers, and Writings relating to the Matters of such Fiat, Petition, or Adjudication, and the Estate of the Bankrupt or Debtor in the Possession of the Assignees, or filed in Court in such Matter, and permit him to inspect and examine the same; and such Official Assignee or such Officer shall provide for any such Bankrupt, Debtor, Creditor, or Attorney requiring the same an Office Copy of such Fiat, Petition, or other Proceeding, Books, Papers, and Writings as aforesaid, or of such Part thereof as shall be required, receiving such Fee or Sum or Rate of Charge as may be authorized in that Behalf.

If Bankrupt do not dispute the Fiat or Petition, the Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt, and against Persons whom the Bankrupt might have sued had he not been adjudged bankrupt.

CCXXXIII. That if the Bankrupt shall not (if he were within the United Kingdom at the Date of the Adjudication), within Twenty-one Days after the Advertisement of the Bankruptcy in the *London Gazette*, or (if he were in any other Part of *Europe* at the Date of the Adjudication) within Three Months after such Advertisement, or (if he were elsewhere at the Date of the Adjudication) within Twelve Months after such Advertisement, have commenced an Action, Suit, or other Proceeding to dispute or annul the Fiat, or the Petition for Adjudication, and shall not have prosecuted the same with due Diligence and with Effect, the Gazette containing such Advertisement shall be conclusive Evidence in all Cases as against such Bankrupt, and in all Actions at Law or Suits in Equity brought by the Assignees for any Debt or Demand for which such Bankrupt might have sustained any Action or Suit had he not been adjudged bankrupt, that such Person so adjudged bankrupt became a Bankrupt before the Date and suing forth of such Fiat, or before the Date and filing of the Petition for Adjudication, and that such Fiat was sued forth, or such Petition filed, on the Day on which the same is stated in the Gazette to bear Date.

CCXXXIV. That

36. *Of Evidence.*

In certain Actions by or against any Person acting under the Bankruptcy no Proof required at the Trial of Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, unless Notice be given that those Matters are to be disputed.

CCXXXIV. That in any Action, other than an Action brought by the Assignees for any Debt or Demand for which the Bankrupt might have sustained an Action had he not been adjudged bankrupt, and whether at the Suit of or against the Assignees, or against any Person acting under the Warrant of the Court, for anything done under such Warrant, no Proof shall be required, at the Trial, of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, unless the other Party in such Action shall, if Defendant at or before pleading, and if Plaintiff before Issue joined, give Notice in Writing to such Assignees or other Person that he intends to dispute some and which of such Matters; and in case such Notice shall have been given, if such Assignees or other Person shall prove the Matter so disputed, or the other Party admit the same, the Judge before whom the Cause shall be tried may (if he think fit) grant a Certificate of such Proof or Admission; and such Assignees or other Person shall be entitled to the Costs occasioned by such Notice; and such Costs shall, if such Assignees or other Person shall obtain a Verdict, be added to the Costs, and if the other Party shall obtain a Verdict shall be deducted from the Costs which such other Party would otherwise be entitled to receive from such Assignees or other Person.

The same in Suits in Equity.

CCXXXV. That in all Suits in Equity, other than a Suit brought by the Assignees for any Debt or Demand for which the Bankrupt might have sustained a Suit in Equity had he not been adjudged bankrupt, and whether at the Suit of or against the Assignees, no Proof shall be required at the Hearing of the Petitioning Creditor's Debt, or of the Trading or Act of Bankruptcy respectively, as against any of the Parties in such Suit, except such Parties as shall within Ten Days after Rejoinder give Notice in Writing to the Assignees of their Intention to dispute some and which of such Matters; and where such Notice shall have been given, if the Assignees shall prove the Matter so disputed, the Costs occasioned by such Notice shall, if the Court see fit, be paid by the Parties so giving such Notice, and the Service of such Notice may be proved by Affidavit upon the Hearing of the Cause.

Proceedings purporting to be sealed with the Seal of the Court receivable in Evidence.

CCXXXVI. That any Fiat, Petition for Adjudication of Bankruptcy, Adjudication of Bankruptcy, Petition for Arrangement between a Debtor and his Creditors, Assignment, Appointment of Assignees, Certificate, Deposition, or other Proceeding or Order in Bankruptcy, or under any such Petition for Arrangement, appearing to be sealed with the Seal of the Court, or any Writing purporting to be a Copy of any such Document, and purporting to be so sealed, shall at all Times, and on behalf of all Persons, and whether for the Purposes of

36. *Of Evidence.*

of this Act or otherwise, be admitted in all Courts whatever as Evidence of such Documents respectively, and of such Proceedings and Orders having respectively taken place or been made, and be deemed respectively Records of the Court, without any further Proof thereof, and no such Document or Copy shall be receivable in Evidence unless the same appear to be so sealed, except where otherwise in this Act specially provided: Provided always, that all Fiats and Proceedings under the same which may have been entered of Record before the passing of the Act passed in the Parliament holden in the Second and Third Years of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts*, or purporting to have been sealed before the Commencement of this Act with the Seal of the Court of Bankruptcy theretofore in use, or a Writing purporting to be a Copy of any such Document, and purporting to have been so sealed, shall and may upon the Production thereof, and in the Case of any Fiat or Proceedings entered of Record before the passing of the last-mentioned Act, with the Certificate thereon, purporting to be signed by the Person duly authorized to enter Proceedings in Bankruptcy, or by his Deputy, be received as Evidence of the same, and of the same having been duly entered of Record, and of such Proceedings having respectively taken place, anything herein-before contained notwithstanding.

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Judicial Notice to be taken of Signature of Commissioner or Registrar, and of the Seal of the Court.

CCXXXVII. That all Courts, Judges, Justices, and Persons judicially acting, and other Officers, shall take judicial Notice of the Signature of any Commissioner or Registrar of the Court, and of the Seal of the Court, subscribed or attached to any judicial or official Proceeding or Document to be made or signed under the Provisions of this Act.

Evidence of Declaration of Insolvency.

CCXXXVIII. That a Copy of a Declaration of Insolvency under this Act, purporting to be certified by the Lord Chancellor's Secretary of Bankrupts or any of his Clerks as a true Copy, shall be received as Evidence of such Declaration having been filed.

Copy of Petition, &c. under Insolvent Debtors Act in England or in India, &c. to be admitted as Evidence.

CCXXXIX. That a Copy of any Petition filed in the Court for the Relief of Insolvent Debtors in *England*, or in any Court for Relief of Insolvent Debtors at *Calcutta*, *Madras*, or *Bombay*, or at the Settlement of *Prince of Wales Island*, *Singapore*, and *Malacca*, and of any Vesting Order, Schedule, Order of Adjudication, and other Orders and Proceedings, purporting to be signed by the Officer in whose Custody the same shall be, or his Deputy, certifying the same to be a true Copy of such Petition, Vesting Order, Schedule, Order of Adjudication, or other Order or Proceedings, and appearing

36. *Of Evidence.*

to be sealed with the Seal of such Court, shall at all Times be admitted under this Act as sufficient Evidence of the same, and of such Proceedings respectively having taken place, without any other Proof whatever given of the same.

Advertisements, when Evidence.

CCXL. That a Copy of the *London Gazette* and of any Newspaper containing any such Advertisement as is by this Act directed or authorized to be made therein respectively shall be Evidence of any Matter therein contained, and of which Notice is by this Act directed or authorized to be given by such Advertisement; and all Proceedings or Notices required by this Act to be inserted in the *London Gazette* shall be marked with the Seal of the Court from which such Proceedings or Notices shall be issued and certified by One of the Registrars of the said Court.

Provisions of 6 & 7 Vict. c. 85. to be applicable to any Matter in prosecution under this Act.

CCXLI. That the Provisions of an Act passed in the Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for improving the Law of Evidence*, shall be applicable to any Matter or Proceeding in prosecution under the Provisions of this Act, and to any Matter, Question, or Inquiry arising in any Court of Law or Equity out of or consequent upon any such Matter or Proceeding.

On Death of Witness, Office Deposition or Copy thereof to be Evidence.

CCXLII. That in the event of the Death of any Witness deposing to the Petitioning Creditor's Debt, Trading, or Act of Bankruptcy, under any Bankruptcy heretofore or hereafter, or under any Petition for Arrangement, the Deposition of any such deceased Witness, purporting to be sealed with the Seal of the Court, or a Copy thereof purporting to be so sealed, shall in all Cases be received as Evidence of the Matters therein respectively contained.

Before whom Affidavits are to be sworn.

CCXLIII. That all Affidavits to be made or used in Matters of Bankruptcy, or in any Matter or Proceeding whatever under this Act, shall and may be sworn before the Court, or any Commissioner, Registrar, or Master thereof, or before a Master in Ordinary or Extraordinary of the High Court of Chancery, or before any Clerk of Affidavits, Assistant Clerk, or Second Assistant Clerk of Affidavits of the High Court of Chancery, or in *Scotland* or *Ireland* before such Master Extraordinary aforesaid, or before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn, or elsewhere before a Magistrate and attested by a Notary, or before a *British* Minister, Consul, or Vice Consul.

Affidavits may be sworn in Prison before Visiting Justice or Keeper of Prison

CCXLIV. That any Affidavit of any Prisoner in any of Her Majesty's Prisons or Gaols in *England*, to be used in any Matter under this Act, may be sworn before the Visiting or other Justice, or if within

36. *Of Evidence.*

within Twelve Hours none such shall attend, then before the principal Keeper or Gaoler of such Prisons or Gaols, and every such Keeper or Gaoler is hereby authorized and required to administer the Oath upon any such Affidavit.

Evidence may be taken vivâ voce or upon Affidavit.

CCXLV. That the Lord Chancellor or the Vice Chancellor, or the Court of Bankruptcy or any Commissioner thereof, may, in all Matters within their respective Jurisdictions, take the whole or any Part of the Evidence either *vivâ voce* on Oath, or by Interrogatories in Writing, or upon Affidavit.

Bankrupt and Bankrupt's Wife to be examined upon Declaration.

CCXLVI. That all Persons who are now or shall hereafter be declared Bankrupts under any Fiat or Petition for Adjudication of Bankruptcy, and the Wives of such Persons respectively, shall and may be examined before the Court, after making and signing the Declaration contained in the Schedule to this Act annexed, without being sworn on Oath.

37. *Of Solicitors.*

Every Solicitor of the High Court of Chancery duly admitted as a Solicitor in the Court of Bankruptcy may practise in the Court.
6 & 7 Vict. c. 73.

CCXLVII. And with respect to Solicitors, be it enacted, That every Solicitor of the High Court of Chancery heretofore or hereafter duly admitted as a Solicitor of the Court of Bankruptcy in manner directed by the Statute passed in the Parliament holden in the Sixth and Seventh Years of the Reign of Her present Majesty, intituled *An Act for consolidating and amending several of the Laws relating to Attornies and Solicitors practising in* England *and* Wales, and, subject to the Provisions in the same Act, may appear and plead in any Proceedings in the Court, without being required to employ Counsel; and in case any Person, not being such Solicitor, shall practise in the Court as a Solicitor, he shall be deemed guilty of a Contempt of Court, and be liable to all the Penalties incident thereto.

38. *Of Costs.*

And with respect to Costs, be it enacted,

The Provisions and Powers given to Lord Chancellor, &c. in Bankruptcy under 1 & 2 Vict. c. 110. to be applicable to this Act

CCXLVIII. That the Provisions in an Act passed in the Session of Parliament holden in the First and Second Years of the Reign of Her Majesty, and intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in* England, so far as the same relate to Orders of the Lord Chancellor, or of the Court of Review therein referred to, in Matters of Bankruptcy, and the Powers given by the same Act to the Lord Chancellor and the said Court of Review in Matters of Bankruptcy, shall extend to and be applicable to Orders of the Lord Chancellor and of the Vice Chancellor in Matters of Bankruptcy under this Act.

CCXLIX. That

38. *Of Costs.*

Court may in all Cases award Costs, which may be recovered as if they were awarded by Rule of a Superior Court at Westminster

CCXLIX. That the Court may in all Matters before it award such Costs as to such Court shall seem fit and just; and in all Cases in which Costs shall be so awarded against any Person it shall and may be lawful for such Court to cause such Costs to be recovered from such Person in the same Manner as Costs awarded by a Rule of any of the Superior Courts at *Westminster* may be recovered, and that the like Remedies may be had upon an Order of such Court for Costs as upon a Rule of any of the said Superior Courts for Costs.

Witnesses and Persons known or suspected to have Bankrupt's Property, &c. entitled to Costs of Attendance &c

CCL. That every Person summoned to attend before the Court as a Person known or suspected to have any of the Estate of the Bankrupt in his Possession, or who is supposed to be indebted to the Bankrupt, shall have such Costs and Charges as the Court in its Discretion shall think fit; and every Witness summoned to attend before the Court shall have his necessary Expenses tendered to him in like Manner as is now by Law required upon Service of a Subpœna to a Witness in an Action at Law.

39. *Of Offences against the Law of Bankruptcy, &c.*

And with respect to Offences against the Law relating to Bankruptcy and other Matters in this Act, be it enacted,

Bankrupt not surrendering, or not delivering up Books, &c., or removing, concealing, or embezzling Estate

CCLI. That if any Person adjudged bankrupt shall not upon the Day limited for his Surrender, and before Three of the Clock of such Day, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing, to be served upon him personally or left at the usual or last known Place of Abode or Business of such Person, or personal Notice in case such Person be then in Prison, and Notice given in the *London Gazette* of the issuing of the Fiat, or filing of the Petition for Adjudication of Bankruptcy against him, as the Case may be, and of the Sittings of the Court, (having no lawful Impediment proved to the Satisfaction of the Court at such Time, and allowed by the Court by a Memorandum thereof then made on the Proceedings,) surrender himself to such Court, and sign or subscribe such Surrender, and submit to be examined before such Court from Time to Time; or if any such Bankrupt, upon such Examination, shall not discover all his Real and Personal Estate, and how, and to whom, upon what Consideration, and when he disposed of, assigned, or transferred any of such Estate (and all Books, Papers, and Writings relating thereunto, except such Part as shall have been really and *bonâ fide* before sold or disposed of in the way of his Trade, or laid out in the ordinary Expense of his Family); or if any such Bankrupt, upon such Examination, shall not deliver up to such Court all such Part of such Estate, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power (except the necessary

39. *Of Offences against the Law of Bankruptcy, &c.*

necessary Wearing Apparel of himself, his Wife and Children); or if any such Bankrupt shall remove, conceal, or embezzle any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors; every such Bankrupt shall be deemed guilty of Felony, and be liable to Transportation for Life, or for such Term not less than Seven Years as the Court before which he shall be convicted shall adjudge, or shall be liable to Imprisonment, with or without hard Labour, for any Term not exceeding Seven Years.

Bankrupt destroying or falsifying Books, &c.

CCLII. That if any Bankrupt shall, after an Act of Bankruptcy committed, or in contemplation of Bankruptcy, or with Intent to defeat the Object of the Law relating to Bankrupts, destroy, alter, mutilate, or falsify any of his Books, Papers, Writings, or Securities, or make or be privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, every such Bankrupt shall be deemed guilty of a Misdemeanor, and on Conviction be liable to Imprisonment for any Term not exceeding Three Years, with or without hard Labour.

Bankrupt, within Three Months preceding his Bankruptcy, obtaining Goods on Credit under false Pretence of dealing in the ordinary Course of Trade.

CCLIII. That if any Bankrupt shall, within Three Months next preceding the Date of the Fiat or the Filing of the Petition for Adjudication of Bankruptcy, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, obtain on Credit from any other Person any Goods or Chattels with Intent to defraud the Owner thereof, or if any Bankrupt shall within such Time and with such Intent remove, conceal, or dispose of any Goods or Chattels so obtained, knowing them to have been so obtained, every such Bankrupt shall be deemed guilty of a Misdemeanor, and on Conviction be liable to Imprisonment for any Term not exceeding Two Years, with or without hard Labour.

False Evidence.

CCLIV. That any Bankrupt or Bankrupt's Wife who shall, upon any Examination upon Affirmation, or after making and signing the Declaration authorized or directed by this or any other Act relating to Bankrupts, and any Person who shall upon any Examination upon Oath or Affirmation, or in any Affidavit, or Deposition or solemn Affirmation so authorized or directed, or in any Affidavit or Deposition or solemn Affirmation wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Court may direct Prosecution

CCLV. That if any Bankrupt shall be suspected of or charged with the Commission of any of the Offences herein-before specified, the Court may direct the Assignees to institute and carry on a

Prosecution of such Bankrupt for such Offence, and to order that the Costs and Expenses to be incurred in such Prosecution shall be paid out of his Estate and Effects, or if there be no such Estate and Effects, then out of the Monies standing in the Bank of *England* to the Credit of the Account intituled the Chief Registrar's Account, and such Assignees shall thereupon institute and carry on such Prosecution accordingly; and in case the said Assignees shall refuse or neglect to institute and carry on such Prosecution, no reasonable Impediment being made known to and allowed by the Court, the Court may order the same to be instituted and carried on either by the Official Assignee alone, or by the Creditors making such Request, as the Court may think fit.

*89. Of Offences against the Law of Bankruptcy*

CCLVI. That if at the Sitting appointed for the last Examination of any Bankrupt, or at any Adjournment thereof, it shall appear to the Court that the Bankrupt has committed any of the Offences herein-after enumerated, the Court shall refuse to grant the Bankrupt any further Protection from Arrest; and if at any Sitting or adjourned Sitting for the Allowance of the Certificate of any Bankrupt it shall appear that he has committed any of such Offences, the Court shall refuse to grant such Certificate, or shall suspend the same for such Time as it shall think fit, and shall in like Manner refuse to grant the Bankrupt any further Protection.

If at Sitting for last Examination it appear that Bankrupt has been guilty of certain Offences, further Protection to be refused; and if at Sitting for Allowance of Certificate it appear that he has been guilty of any of such Offences, Court to refuse or suspend Certificate, and to refuse further Protection

Offences referred to:

First.—If the Bankrupt shall at any Time after the issuing of the Fiat or filing of the Petition for Adjudication of Bankruptcy, or within Two Months next preceding the issuing of such Fiat or the filing of such Petition, with Intent to conceal the State of his Affairs, or to defeat the Objects of the Law of Bankruptcy, have destroyed any Book, Paper, Deed, Writing, or other Document relating to his Trade, Dealings, or Estate.

Second.—If the Bankrupt shall, with the like Intent, have kept or caused to be kept false Books, or have made false Entries in, or withheld Entries from, or wilfully altered or falsified, any Book, Paper, Deed, Writing, or other Document relating to his Trade, Dealings, or Estate.

Third.—If the Bankrupt shall have contracted any of his Debts by any manner of Fraud, or by means of false Pretences, or shall by any manner of Fraud, or by means of false Pretences, have obtained the Forbearance of any of his Debts by any of his Creditors.

Fourth.—If the Bankrupt shall at any Time within Two Months next preceding the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, fraudulently, in contemplation of Bankruptcy, and not under Pressure from any of his Creditors,

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with Intent to diminish the Sum to be divided among his Creditors, or to give an undue Preference to any of his Creditors, have paid or satisfied any such Creditor, wholly or in part, or have made away with, mortgaged, or charged any Part of his Property, of what Kind soever.

Fifth.—If the Bankrupt shall at any Time after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, and with Intent to diminish the Sum to be divided among his Creditors, or to give an undue Preference to any of his Creditors, have concealed from the Court or his Assignees any Debt due to or from him, or have concealed or made away with any Part of his Property, of what Kind soever.

Sixth.—If the Bankrupt shall under his Bankruptcy, or at any Meeting of his Creditors within Three Months next preceding the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, have attempted to account for any of his Property by fictitious Losses or Expenses.

Seventh.—If the Bankrupt shall, within Six Months next preceding the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, have put any of his Creditors to any unnecessary Expense by any vexatious and frivolous Defence or Delay to any Suit for the Recovery of any Debt or Demand provable under his Bankruptcy, or shall be indebted in Costs incurred in any Action or Suit so vexatiously brought or defended.

Eighth.—If the Bankrupt shall, at any Time after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, have wilfully prevented or withheld the Production of any Book, Paper, Deed, Writing, or other Document relating to his Trade, Dealings, or Estate.

Ninth.—If the Bankrupt shall during his trading have wilfully, and with Intent to conceal the true State of his Affairs, have omitted to keep proper Books of Account; or shall wilfully, and with Intent to conceal the true State of his Affairs, have kept his Books imperfectly, carelessly, and negligently.

Assignees, and Creditors who have proved, to be deemed Judgment Creditors, and Court to grant Certificate thereof, which shall have the Effect of a Judgment of Superior Court at Westminster

CCLVII. That the Assignees for the Time being of the Estate and Effects of any Bankrupt, when the Accounts relating to his Estate shall have become Records of the Court, shall be deemed Judgment Creditors of such Bankrupt for the total Amount of the Debts which shall by such Accounts appear to be due from him to his Creditors; and every Creditor of any Bankrupt, immediately after the Proof of his Debt shall have been admitted, shall be deemed a Judgment Creditor of such Bankrupt to the Extent of such Proof; and the Court, when it shall have refused to grant the Bankrupt

99. *Of Offences against the Law of Bankruptcy.*

rupt any further Protection, or shall have refused or suspended his Certificate, shall, on the Application of such Assignees or of any such Creditor, grant a Certificate under the Seal of the Court, in the Form contained in Schedule B a. to this Act annexed, and every such Certificate shall have the Effect of a Judgment entered up in one of Her Majesty's Superior Courts of Common Law at *Westminster* until the Allowance of the Certificate of Conformity of such Bankrupt; and the Assignees or the Creditor to whom, according to such Certificate, the Bankrupt shall be indebted as therein mentioned, shall be thereupon entitled to issue and enforce a Writ of Execution against the Body of such Bankrupt; and the Production of any such Certificate to the proper Officer of any such Superior Court shall be sufficient Authority to him to issue and seal such Writ, and it shall be lawful for such Superior Courts to make such Orders and Rules in that Behalf as to them shall seem fit; provided always, that every such last-mentioned Certificate shall be deemed to have been cancelled and discharged by the Allowance of the Certificate of Conformity of such Bankrupt from the Time of such Allowance; provided also, that no Execution by virtue of any Certificate which shall be granted to any Creditor or Assignees as aforesaid shall be issued, nor shall any such Certificate or Execution in any Manner affect any Estate or Effects which shall come to or be acquired by the Bankrupt, after the Allowance of his Certificate of Conformity.

Assignees for the Time being may issue Execution on such Certificate.

CCLVIII. That the Assignees for the Time being may issue and enforce Execution upon any such Certificate as last aforesaid as fully to all Intents and Purposes as the Assignees to whom such Certificate shall have been originally granted.

Bankrupt taken in Execution not to be discharged except by Order of the Court

CCLIX. That if any Bankrupt shall be taken in Execution after the Refusal of Protection, or after the Refusal or Suspension of his Certificate, he shall not be discharged from such Execution, until he shall have been in Prison for the full Period of One Year, except by Order of the Court: Provided always, that this Enactment shall not take effect until after the Expiration of Six Months from the Commencement of this Act, and then only against such Persons as shall have been adjudged bankrupt under this Act, and for Offences committed after the Commencement of this Act.

Any Person, refusing to be sworn, or refusing to answer, or not fully answering, or refusing to sign Examination, or to produce Books, &c., may be committed.

CCLX. That if any Bankrupt, or the Wife of any Bankrupt, shall refuse to make and sign the Declaration contained in the Schedule W. to this Act annexed, or if any other Person shall refuse to be sworn, or shall refuse to answer any lawful Question put by the Court, or shall not fully answer any such Question to the Satisfaction of the Court

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Court, or shall refuse to sign and subscribe his Examination when reduced into Writing (not having any lawful Objection allowed by the Court), or shall not produce any Books, Papers, Deeds, and Writings, or other Documents in his Custody or Power, relating to any of the Matters under Inquiry, which such Bankrupt, Wife of the Bankrupt, or Person is required by the Court to produce, and to the Production of which he shall not state any Objection allowed by the Court, it shall be lawful for the Court, by Warrant, to commit such Bankrupt, Wife of such Bankrupt, or other Person, in *London* to the Queen's Prison, or in the Country to such Prison as such Court shall think fit, (as the Case may be in *London* or in any District in the Country,) there to remain without Bail until he shall submit himself to such Court to be sworn, and full Answers make to the Satisfaction of such Court to all such lawful Questions as shall be put by the Court, and sign and subscribe such Examination, and produce such Books, Papers, Deeds, Writings, and other Documents in his Custody or Power, to the Production of which no such Objection as aforesaid has been allowed.

Questions to be particularly specified on Warrant.

CCLXI. That if any Person be committed by the Court for refusing to answer or for not fully answering any Question put to him by the Court, such Court shall in its Warrant of Commitment specify every such Question; provided that if any Person so committed shall bring any Habeas corpus in order to be discharged from such Commitment, and there shall appear on the Return of such Habeas corpus any such Insufficiency in the Form of the Warrant whereby such Person was committed, by reason whereof he might be discharged, it shall be lawful for the Court or Judge before whom such Person shall be brought by Habeas corpus, and such Court or Judge is hereby required, to commit such Person to the same Prison, there to remain until he shall conform, unless it shall be shown to such Court or Judge by the Person committed that he has fully answered all lawful Questions put to him by the Court, or if such Person was committed for refusing to be sworn, or for not signing his Examination, unless it shall appear to such Court or Judge that he had a sufficient Reason for the same: Provided also, that such Court or Judge shall, if required thereto by the Person committed, in case the whole of the Examination of the Person so committed shall not have been stated in the Warrant of Commitment, inspect and consider the whole of the Examination of such Person whereof any such Question was a Part; and if it shall appear from the whole Examination that the Answer or Answers of the Person committed is or are satisfactory, such Court or Judge shall and may order the Person so committed to be discharged.

CCLXII. That

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Assignees under Fiats issued on or prior to 11th November 1842 retaining unclaimed Dividends, &c.

CCLXII. That if it shall at any Time be made to appear to the Court that any Assignee under any Fiat issued on or at any Time prior to the Eleventh Day of *November* One thousand eight hundred and forty-two has, either in his own Hands or in the Hands of any Attorney or at any Bankers, or otherwise subject to his Order or Disposition, or knows that there is or are in the Hands or subject to the Order and Disposition of himself or any Co-Assignee, any unclaimed Dividends or any undivided Surplus, and that such Assignee has not caused a Certificate thereof to be filed as in this Act above required, containing a full and true Account of the Names of the Creditors to whom such unclaimed Dividends are due, and of the Amount of such Dividends, and, as to any undivided Surplus, caused a Certificate stating the full and true Amount of such Surplus to be filed, and has not, as in this Act above required, paid over to the Account intituled "The Unclaimed Dividend Account" the Amount of such unclaimed Dividends, or so much thereof as shall not have been paid to the Creditors or other Persons entitled thereto, and also the Amount of such undivided Surplus, every such Assignee shall be charged, in Account with the Estate of the Bankrupt, with Interest upon the Amount of such unclaimed Dividends or undivided Surplus at the Rate of Five Pounds *per Centum per Annum*, to be computed from the Time at which such Certificate is required to be filed, for such Time as he shall thenceforth, either solely or together with any Co-Assignee or other Person, retain such Dividends or undivided Surplus, as the Case may be, and also with such further Sum as the Court shall direct, not exceeding in the whole at the Rate of Twenty Pounds *per Centum per Annum* to be computed from the Time aforesaid; and it shall be lawful for the Court to order that such Sum or Sums be forthwith paid into the Bank of *England* to the Credit of the Accountant in Bankruptcy to the Account intituled "The Unclaimed Dividend Account," and also to make such Order as to Costs as the Justice of the Case shall seem to require.

Official Assignee not filing Certificate of unclaimed Dividends subject to Penalty.

CCLXIII. That the Neglect of any Official Assignee to file a Certificate as required by this Act of all unclaimed Dividends and undivided Surplus belonging to any Bankrupt's Estate under his Care and Management shall be subject to the Provisions herein-before contained with respect to the unclaimed Dividends and undivided Surplus therein mentioned, and as if such Official Assignee had such Dividends and undivided Surplus in his own Hands.

Such unclaimed Dividends to be paid, or carried to the unclaimed Dividend Account.

CCLXIV. That such last-mentioned unclaimed Dividends and undivided Surplus, and any Penalty payable by any Official Assignee in respect thereof, shall be paid into the Bank of *England*, or carried to

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to the Credit of the Accountant in Bankruptcy to the said Account intituled "The Unclaimed Dividend Account."

Assignee disobeying Direction to pay or invest Money, and retaining it, or permitting Co-Assignee to retain or employ it, to be charged with 20 per Cent

CCLXV. That if any Assignee shall retain in his Hands or employ for his own Benefit, or knowingly permit any Co-Assignee so to retain or employ, any Sum to the Amount of more than One hundred Pounds, Part of the Estate of any Bankrupt, or shall neglect to invest any Money in the Purchase of Exchequer Bills when directed by the Court, every such Assignee shall be liable to be charged in his Account with such Sum as shall be equal to Interest at the Rate of Twenty *per Centum per Annum* on all such Money for the Time during which he shall have so retained or employed the same, or permitted the same to be so retained or employed, or during which he shall so have neglected to invest the same in the Purchase of Exchequer Bills; and the Court is hereby required to charge every such Assignee in his Account accordingly.

Persons disobeying any Rule or Order of Court to be committed to Prison until they conform, or the Court, or Vice Chancellor or the Lord Chancellor, shall otherwise order.

CCLXVI. That if any Person shall disobey any Rule or Order of the Court duly made by such Court for enforcing any of the Purposes and Provisions of this Act, or of any other Act hereafter to be in force relating to the Subject Matters of this Act, or made or entered into by Consent of such Person for carrying into effect any of such Purposes or Provisions, the Court may, by Warrant in the Form contained in Schedule B b. to this Act annexed, commit the Person so offending to the Queen's Prison, or to the Common Gaol of any County, City, or Place where he shall be found, or where he shall usually reside, there to remain without Bail or Mainprize until such Court, or the Vice Chancellor or the Lord Chancellor, shall make Order to the contrary.

If Debt sworn to by Petitioning Creditor be not due, or if Act of Bankruptcy be not proved, and it appear that the Fiat or Petition was issued or filed fraudulently or maliciously, Court may order Satisfaction.

CCLXVII. That if the Debt stated by the Petitioning Creditor in his Affidavit or in his Petition for Adjudication, and verified by Affidavit, to be due to him from any Trader, shall not be really due, or if after a Fiat issued, or Petition for Adjudication of Bankruptcy filed, it shall not have been proved that the Person against whom such Fiat has been issued or Petition filed had committed an Act of Bankruptcy and was a Trader at the Time of the issuing of the Fiat or filing of such Petition, and it shall also appear that such Fiat was issued, or that such Petition was filed, fraudulently or maliciously, the Court shall and may, upon Petition of the Person against whom any such Fiat or Petition was so issued or filed, examine into the same, and order Satisfaction to be made to him for the Damages by him sustained.

Petitioning Creditor compounding with Trader after Bankruptcy

CCLXVIII. That if any Petitioning Creditor shall after the Bankruptcy receive any Money, Satisfaction, or Security for his Debt or

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or any Part thereof, whereby such Petitioning Creditor may receive more in the Pound in respect of his Debts than the other Creditors, such Petitioning Creditor shall forfeit his whole Debt, and shall also repay or deliver up such Money, Satisfaction, or Security, or the full Value thereof, to the Assignee or Assignees of such Bankrupt, for the Benefit of the Creditors of the Bankrupt.

Concealing Bankrupt's Effects.

CCLXIX. That any Person who shall wilfully conceal any Real or Personal Estate of the Bankrupt, and who shall not, within Forty-two Days after the issuing of the Fiat or the filing of the Petition for Adjudication of Bankruptcy, discover such Estate to the Court or to the Assignees, shall forfeit the Sum of One hundred Pounds, and Double the Value of the Estate so concealed; and any Person who shall after such Time voluntarily discover to the Court or to the Assignees any Part of such Bankrupt's Estate not before come to the Knowledge of the Assignees shall be allowed Five *per Centum* thereupon, and such further Reward as the Assignees, with the Consent of the Court, shall think fit, to be paid out of the Estate recovered on such Discovery.

Allowance to Persons making Discovery.

Obtaining Money, Goods, &c. as an Inducement to forbear Opposition, or to consent to Allowance of Certificate.

CCLXX. That if any Creditor of a Bankrupt shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose or for consenting to the Allowance of the Certificate of such Bankrupt, or to forbear to petition for the Recall of the same, every such Creditor so offending shall forfeit and lose for every such Offence the Treble Value or Amount of such Money, Goods, Chattels, or Security so obtained (as the Case may be).

Officers, &c. taking Fees improperly.

CCLXXI. That if any Commissioner, Registrar, Accountant, Master, Clerk, Messenger, Assignee, or any other Officer or Person whatsoever, shall, for anything done or pretended to be done under this Act or any other Act relating to Bankrupts, or under colour of doing anything under this Act or any such other Act, fraudulently and wilfully demand or take, or appoint or allow any Person whatsoever to take, for him or on his Account, or for or on account of any Person by him named, or in trust for him or for any other Person by him named, any Fee, Emolument, Gratuity, Sum of Money, or anything of Value whatsoever other than is allowed by this Act or any such other Act as aforesaid, such Person, when duly convicted thereof, shall forfeit and pay the Sum of Five hundred Pounds, and be rendered incapable and is hereby rendered incapable of holding any Office or Place under Her Majesty.

Inserting Advertisements without Authority.

CCLXXII. That any Person who shall insert or cause to be inserted in the *London Gazette*, or in any Newspaper, any Advertisement

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ment under this Act, without Authority, or knowing the same to be false in any material Particular, shall be guilty of a Misdemeanor.

Forging Signature of Commissioner, or Officer, or the Seal of the Court.

CCLXXIII. That if any Person shall forge the Signature of any Commissioner, or Registrar, or of the Accountant, Master, or other Officer of the Court, or shall forge or counterfeit the Seal of the Court, or knowingly concur in using any such forged or counterfeit Signature or Seal, for the Purpose of authenticating any such Proceeding or Document, or shall tender in Evidence any such Proceeding or Document with a false or counterfeit Signature of any such Commissioner, Registrar, Accountant, Master, or other Officer, or a false or counterfeit Seal of the Court, subscribed or attached thereto, knowing the same Signature or Seal to be false or counterfeit, every such Person shall be guilty of Felony, and shall be liable to the same Punishment as any Offender under an Act passed in the Parliament holden in the Eighth and Ninth Years of the Reign of Her present Majesty, intituled *An Act to facilitate the Admission in Evidence of certain official and other Documents.*

Gaoler suffering Persons committed to Escape, &c.

CCLXXIV. That if any Keeper of any Prison or any Gaoler to whose Custody any Bankrupt or other Person shall be duly committed shall refuse to receive such Bankrupt or other Person, or shall suffer him to escape, every such Keeper or Gaoler shall forfeit Five hundred Pounds.

Application of Forfeitures.

CCLXXV. That all Sums of Money forfeited under this Act, or by virtue of any Conviction for Perjury committed in any Oath, Affirmation, or Declaration thereby directed or authorized, may be sued for by the Assignees of the Estate and Effects of any Bankrupt connected therewith or interested therein, in any of Her Majesty's Superior Courts of Record, and the Money so recovered (the Charges of Suit being deducted) shall be paid over to the Bank of *England*, to the Credit of the Accountant in Bankruptcy, to the Account intituled "The Chief Registrar's Account."

40. *Definition of Terms, &c.*

And with respect to the Definition and Explanation of Terms, be it enacted,

CCLXXVI. That the Terms and Words herein-after enumerated or explained, wheresoever occurring in this Act, shall be understood as herein-after defined or explained, unless it be otherwise specially provided, or there be something in the Subject or Context repugnant to such Definition or Explanation; that is to say,

"Lord Chancellor:"

The Term "Lord Chancellor" shall mean also and include the Lord Keeper and Lords Commissioners for the Custody of the Great Seal of the United Kingdom for the Time being:

The

40 *Definition of Terms, &c.*

The Term "Vice Chancellor" shall mean such One of the Vice Chancellors of the High Court of Chancery as shall for the Time being have duly vested in him Jurisdiction in Bankruptcy: "Vice Chancellor"

The Term "the Court" and the Term the "Court of Bankruptcy" shall mean Her Majesty's Court of Bankruptcy, and shall mean also and include any Commissioner or Commissioners of Her Majesty's Court of Bankruptcy constituting and acting as a Court under this Act: "Court:"

The Term the "Senior Commissioner" shall mean the Senior Commissioner of the Court acting in *London*, which Seniority shall be determined by the Date of the Letters Patent or Commission under which the Commissioners of the Court acting in *London* were or shall be appointed, and in the event of such Letters Patent or Commission bearing the same Date, then by the Place and Precedence of such Commissioners at the Bar: "Senior Commissioner:"

The Terms "Fiat" and "Fiat in Bankruptcy" shall mean also and include any Commission of Bankrupt: "Fiat" and "Fiat in Bankruptcy"

The Term "annulling" shall mean also and include "superseding:" "Annulling:"

The Term "Month" shall mean a Calendar Month: "Month"

The Term "Assignees" shall mean the Assignees of the Estate and Effects of the Bankrupt: "Assignees:"

The Term "Oath" shall be deemed to include the Declaration or Affirmation of any Person authorized by Law to declare or affirm: "Oath"

The Term "Bank of *England*" shall include all Branches thereof: "Bank of England:"

Words importing the Singular Number or the Masculine Gender only shall be understood to include several Matters as well as one Matter, and several Persons as well as one Person, and Bodies Corporate as well as Individuals, and Females as well as Males; and Words importing the Plural Number shall be understood to apply to One Matter as well as more than One, and to One Person as well as more than One: Number and Gender.

And in all Cases in which any particular Number of Days is prescribed by this Act, or shall be mentioned in any Rule or Order of Court which shall at any Time be made under this Act, for the doing of any Act, or for any other Purpose, the same shall be reckoned, in the Absence of any Expression to the contrary, exclusive of the first and inclusive of the last Day, unless the last Day shall happen to fall on a *Sunday*, *Christmas Day*, *Good Friday*, *Monday* or *Tuesday* in *Easter* Week, or a Day appointed for a public Fast or Thanksgiving, in which Case the Time shall be reckoned exclusive of that Day also. Where any particular Number of Days is prescribed for doing any Act, how Time to be reckoned

41. Aliens and Denizens

CCLXXVII. And be it enacted, That this Act shall extend to Aliens and Denizens, both to make them subject thereto and to entitle them to all the Benefits given thereby.

42. Act may be amended, &c.

CCLXXVIII. And be it enacted, That this Act may be amended or repealed by any Act to be passed in the present Session of Parliament.

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## SCHEDULES referred to in the foregoing Act.

### SCHEDULE A.

Acts and Parts of Acts repealed.

| Date of Act. | Title. | Extent of Repeal. |
|---|---|---|
| 6 G. 4. c. 16. - | An Act to amend the Laws relating to Bankrupts. | The whole. |
| 1 & 2 W. 4. c. 56. - | An Act to establish a Court of Bankruptcy. | The whole, except as herein-before in the Bankrupt Law Consolidation Act, 1849, is excepted, and except so far as relates to the Appointment, Tenure of Office, and Removal of Commissioners, Registrars, Deputy Registrars, and Official Assignees of the Court of Bankruptcy, and except so far as the Act prohibits such Commissioners, Registrars, and Deputy Registrars from practising as a Barrister, or being an Attorney or Solicitor, or renders such Commissioners, Registrars, Deputy Registrars, Official Assignees, and the Lord Chancellor's Secretary of Bankrupts, incapable of being elected or sitting as a Member of the House of Commons, and except so far as relates to the Grant of Compensations to Officers and Persons whose Offices, Places, Fees, or Emoluments were discontinued and abolished. |
| 3 & 4 W. 4. c. 47. | An Act to authorize His Majesty to give further Powers to the Judges of the Court of Bankruptcy, and to direct the Times of Sitting of the Judges and Commissioners of the said Court. | The whole. |
| 1 & 2 Vict. c. 110. | An Act for abolishing Arrest on mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for amending the Laws for the Relief of Insolvent Debtors in England. | So far as relates to the Manner of making bankrupt any Trader within the Meaning of the Laws then in force respecting Bankrupts, upon the filing of an Affidavit or Affidavits of Debt or Debts in the Court of Bankruptcy, and after Notice in Writing requiring immediate Payment of such Debt or Debts. |
| 2 Vict. c. 11. - | An Act for the better Protection of Purchasers against Judgments, Crown Debts, Lis pendens, and Fiats in Bankruptcy. | So far as relates to the Protection of Purchasers against secret Acts of Bankruptcy and Fiats in Bankruptcy. |

*Bankrupt Law Consolidation.*

| Date of Act. | Title. | Extent of Repeal. |
|---|---|---|
| 2 & 3 Vict. c. 29. | An Act for the better Protection of Parties dealing with Persons liable to the Bankrupt Laws. | The whole. |
| 5 & 6 Vict. c. 122. | An Act for the Amendment of the Law of Bankruptcy. | The whole, except as herein-before in the Bankrupt Law Consolidation Act, 1849, is excepted, so far as the Act repeals any other Act or Acts or any Part of any other Act or Acts, and except so far as relates to the Appointment, Tenure of Office, and Removal of additional Commissioners, Deputy Registrars, and Official Assignees to act in the Country, except so far as relates to the Salaries of Commissioners, and except so far as relates to the Transfer of the Duties and Business of the Clerk of Enrolments to the Registrar of the Court acting in Basinghall Street, and except so far as relates to retiring Annuities and Allowances, and except so far as relates to the Allowance of travelling and other Expenses to the Commissioners and Deputy Registrars. |
| 7 & 8 Vict. c. 96. | An Act to amend the Law of Insolvency, Bankruptcy, and Execution. | So far as relates to the Powers of the Lord Chancellor to issue Fiat against a Trader upon Petition of the Trader himself, and to attach the Commissioners acting in the Country to any District. |
| 8 & 9 Vict. c. 48. | An Act to substitute a Declaration for an Oath in Cases of Bankruptcy. | So far as relates to England. |
| 10 & 11 Vict. c. 102. | An Act to abolish the Court of Review in Bankruptcy, and to make Alterations in the Jurisdiction of the Court of Bankruptcy and Court for the Relief of Insolvent Debtors. | So far as the Act enacts that all Laws, Orders, and Authorities touching the Practice and Manner of Proceeding in the Court of Review, and appealing to and from that Court, shall continue in force and be applicable to the Jurisdiction of the Vice Chancellor appointed to act in Bankruptcy, and so far as the Act enacts that all Sums and Fees shall continue to be payable and receivable by the like Persons, and to be paid and applied to the like Purposes, as the same had theretofore been paid and received in respect of any Matter in the said Court of Review. |
| 11 & 12 Vict. c. 86. | An Act to empower the Commissioners of the Court of Bankruptcy to order the Release of Bankrupts from Prison in certain Cases. | The whole. |

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## SCHEDULE B.

The Bankrupt Law Consolidation Act, 1849.

RETURN by One of the Official Assignees of the Court of Bankruptcy for the District, showing the State of every Bankruptcy under his Charge, and not finally wound up, on the 31st Day of December 18 .

| 1. Name of Bankrupt. | 2. Gross Amount of Debts and Liabilities stated in the Bankrupt's Balance Sheet. | 3. Net Amount of Debts proved. | 4. Gross Amount of Assets in Balance Sheet. | 5. Total Amount of Assets collected. | 6. Total Amount paid in Dividends. | 7. Average Rate per Cent. on the Debts proved. | 8. Total Amount of Charges (exclusive of the Allowances to the Official Assignee). | 9. Total Amount of Allowances paid to the Official Assignee. | 10. Total Amount of Allowances to Official Assignee for Petty Expenses. | 11. Average Rate per Cent. on Monies collected by Official Assignee. | 12. Balance in Bank of England to the Credit of the Estate. | 13. Balance in Hands of Official Assignee. | 14. Particulars of Certificates granted, refused, and suspended (distinguishing the Result of each Bankruptcy). | 15. Cause of Failure, as shown by Bankrupts Books and Accounts. | 16. Bankruptcies in which final Dividends have been declared, and the Estates wound up, between 1st January and 31st December 18 , inclusive. | 17. Certificates allowed. | 18. Class of Certificate, 1, 2, or 3. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | | | | | |

## SCHEDULE C.

| DOCUMENT. | Stamp Duty in lieu of Fees. £ | s. | d. |
|---|---|---|---|
| Every Petition for Adjudication of Bankruptcy, or for Arrangement between any Debtor and his Creditors, under the Superintendence and Control of the Court, or for Certificate of Arrangement by Deed - - - - | 10 | 0 | 0 |
| Every Declaration of Insolvency - - - - | 0 | 2 | 6 |
| Every Summons of Trader Debtor - - - - | 0 | 2 | 6 |
| Every Admission or Deposition of Trader Debtor - - | 0 | 2 | 6 |
| Every Bond with Sureties - - - - - | 0 | 5 | 0 |
| Every Application for Search for Petition or other Proceeding (except Search for the Appointment of any Sitting or Meeting) | 0 | 1 | 0 |
| Every Allocatur by any Officer of the Court for any Costs, Charges, or Disbursements,—where such Bill of Costs shall not exceed £5 - - - - - | 0 | 1 | 6 |
| Exceeding £5 and not exceeding £10 - - - | 0 | 2 | 6 |
| " 10 " 20 - - - | 0 | 5 | 0 |
| " 20 " 30 - - - | 0 | 7 | 6 |
| " 30 " 50 - - - | 0 | 10 | 0 |
| " 50 " 100 - - - | 0 | 15 | 0 |
| " 100 " 150 - - - | 1 | 0 | 0 |
| " 150 " 200 - - - | 1 | 10 | 0 |
| " 200 " 300 - - - | 2 | 0 | 0 |
| " 300 " 500 - - - | 3 | 0 | 0 |
| " 500 - - - - - - | 5 | 0 | 0 |

## SCHEDULE D.

The Bankrupt Law Consolidation Act, 1849.

*Declaration of Insolvency by Trader.*

I the undersigned *E.F.* of do hereby declare, That I am unable to meet my Engagements with my Creditors. Dated at the Hour of o'Clock [in the Forenoon, *or* at Noon, *or* in the Afternoon, *as the Case may be*,] this Day of in the Year of our Lord

Witness, (Signed) *E.F.*

*G.H.*, Attorney of the Court of

## SCHEDULE E.

The Bankrupt Law Consolidation Act, 1849.

*Writ of Summons to be served on a Member of Parliament in order to enforce the Provisions of "The Bankrupt Law Consolidation Act, 1849."*

VICTORIA, *etc.*

To *C.D.* of, *etc.* Esquire, having Privilege of Parliament, Greeting.

We command you, that, within One Calendar Month next after personal Service hereof on you, you do cause an Appearance to be entered for you in Our

Our Court of in an Action [on Promises, *or* Debt, *or as the Case may be*], at the Suit of *A.B.*; and you are hereby informed, that an Affidavit of Debt for the Sum of hath been filed in the proper Office, according to the Provisions of "The Bankrupt Law Consolidation Act, 1849," and that unless you pay, secure, or compound for the Debt sought to be recovered in this Action, or enter into such Bond as by the said Act is provided, and cause an Appearance to be entered for you, within One Calendar Month next after such Service hereof, you will be deemed to have committed an Act of Bankruptcy from the Time of the Service hereof.

Witness at Westminster, the Day of

*This Writ is to be served within Four Calendar Months from the Date thereof, including the Day of such Date, and not afterwards, and is to be endorsed with the Name of the Plaintiff or his Attorney in manner following; that is to say,*

This Writ was issued by *E.F.* of , Attorney for the Plaintiff [*or* Plaintiffs] within named;

*or,*

This Writ was issued in Person by the Plaintiff within named, who resides at [*mention the City, Town, or Parish, and also the Name of the Hamlet, Street, and Number of the House of the Plaintiff's Residence, if any such there be*].

## SCHEDULE F.

The Bankrupt Law Consolidation Act, 1849.

*Affidavit for summoning a Trader Debtor.*

*A.B.* of and *C.D.* of severally make Oath and say, and first this Deponent *A.B.* for himself saith, That *E.F.* is justly and truly indebted to this Deponent in the Sum of [*the Amount of the Debt*] for, *&c.* [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Law of Bankruptcy, and resides at ; and that an Account in Writing of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of [*the Amount of the Debt*], with a Notice thereunder written in the Form prescribed by "The Bankrupt Law Consolidation Act, 1849," requiring immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did, on the Day of instant [*or* last], personally [*or otherwise, according to the Fact,*] serve the said *E.F.* with a true Copy of the said Account and Notice.

Sworn, *&c.*

## SCHEDULE G.

The Bankrupt Law Consolidation Act, 1849.

*Particulars of Demand, and Notice requiring Payment.*

To *E.F.* of

The following are the Particulars of the Demand of the undersigned *A.B.* of against you the said *E.F.*, amounting to the Sum of [*the Amount of the Debt. Then copy the Account.*]

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of . Dated this Day of in the Year of our Lord

(Signed) *A.B.*

SCHE-

## SCHEDULE H.

The Bankrupt Law Consolidation Act, 1849.

*Summons of Trader Debtor.*

THESE are to will and require you to whom this Warrant is directed personally to be and appear before the Court of Bankruptcy in Basinghall Street in the City of London [*or* at in the County of ] on the Day of at o'Clock; and you are hereby informed that the Purpose for which you are thus summoned to appear before the said Court is to ascertain, in Manner and Form prescribed by "The Bankrupt Law Consolidation Act, 1849," whether or not you admit the Demand of *A.B.* of (who claims of you the Sum of [*state the Amount*] for a Debt), or any and what Part thereof, or whether you verily believe that you have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; and hereof you are not to fail, at your Peril.

Given under my Hand, the Day of in the Year of our Lord

(Signed) *C.D.*,
Commissioner.

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## SCHEDULE I.

The Bankrupt Law Consolidation Act, 1849.

*Admission of Debt by Trader Debtor.*

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of )
Day of A.D.

WHEREAS I the undersigned *E.F.* of am summoned to appear before this Honourable Court for the Purpose of stating, in manner prescribed by "The Bankrupt Law Consolidation Act, 1849," whether or not I admit the Demand of *A.B.* of (who claims of me the said *E.F.* the Sum of [*the Amount*] for a Debt), or any and what Part thereof; or whether I verily believe that I have a good Defence upon the Merits to the said Demand, or to any and what Part thereof; be it known, That I the said *E.F.* hereby confess that I am indebted to the said *A.B.* in the said Sum of [*or* in part of the said Sum of , that is to say, in the Sum of .]

(Signed) *E.F.*

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## SCHEDULE J.

The Bankrupt Law Consolidation Act, 1849.

*Deposition by Trader Debtor that he has good Answer to Creditor's Demand, or some Part thereof.*

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of )
Day of A.D.

*E.F.* being sworn on the Day and Year and at the Place aforesaid, upon his Oath saith, That he verily believes he has a good Defence upon the Merits to the Demand [*or* to Part of the Demand] hereinafter mentioned of *A.B.* of who claims of the said *E.F.* the Sum of for a Debt alleged to be due and owing from the said *E.F.*

*E.F.* to the said *A.B.*, as stated in the Affidavit of the said *A.B.* filed in this Honourable Court, and bearing Date the Day of

Sworn before me,
*J.K.*, Commissioner. (Signed) *E.F.*

## SCHEDULE K.

*Form of Bond to pay admitted Demand.*

Know all Men by these Presents, That we *A.B.*, *C.D.*, and *E.F.* are jointly and severally held and firmly bound to *E.F.* in the Sum of of lawful Money of Great Britain, to be paid to him, his Executors, Administrators, or Assigns, for which Payment well and truly to be made we jointly and severally bind ourselves, our Heirs, Executors, and Administrators.

Dated this Day of in the Year of our Lord 184 .

(L.S.)
(L.S.)
(L.S.)

Whereas the said *A.B.*, after being duly summoned to appear in Her Majesty's Court of Bankruptcy, for the Purpose of stating whether or not he admits a certain Demand of the said *E.F.* amounting to the Sum of , or any and what Part thereof, or whether he verily believes that he hath a good Defence upon the Merits to the said Demand, or to any and what Part thereof, hath deposed upon Oath [*or* Affirmation, *as the Case may be*,] that he verily believes that he the said *A.B.* hath a good Defence upon the Merits to the said Demand [*or* to , Part of the said Demand]: *And whereas an Action of Debt [*or as the Case may be*], wherein the said *E.F.* is Plaintiff and the said *A.B.* is Defendant, is now depending in [*Name of Court in which the Action is depending*], for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may be*]: Now, therefore, the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand, well and truly pay to the said *E.F.*, or his Attorney or Agent, such Sum as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in such Action, this Obligation shall be void and of no Effect, but otherwise shall be and remain in full Force and Virtue. [*Or if an Action has not been already brought, insert, instead of the Paragraph following the* *, *these Words*: Now, therefore, the Condition of this Obligation is such, that if the said *A.B.* shall, on Demand, well and truly pay or cause to be paid to the said *E.F.*, his Attorney or Agent, such Sum or Sums as shall be recovered by, together with such Costs as shall be given to, the said *E.F.* in any Action which shall hereafter be brought for the Recovery of the said Demand [*or* last-mentioned Sum, *as the Case may require*], this Obligation shall be void and of no Effect, but otherwise shall be and remain of full Force and Virtue.

## SCHEDULE L.

The Bankrupt Law Consolidation Act, 1849.

*Admission of Debt by Trader Debtor signed out of Court.*

I the undersigned *E.F.* of do hereby confess, That I am indebted to *A.B.* of in the Sum of .

(Signed) *E.F.*

Dated this Day of A.D.

Witness,
*G.H.*, Attorney for the said *E.F.*, and subscribing Witness to the Execution hereof as such Attorney.

## SCHEDULE M.

The Bankrupt Law Consolidation Act, 1849.

*Petition by a Creditor for Adjudication of Bankruptcy.*

To the Court of Bankruptcy for the District.

The humble Petition of
Showeth,

THAT being a Trader, and having resided [*or* carried on Business, *as the Case may be*,] for Six Calendar Months next immediately preceding the Date of this Petition within the District of this Honourable Court, that is to say, at [*insert the Name of the Place*], is indebted unto your Petitioner in the Sum of Fifty [*if Two Petitioners*, Seventy, *and if Three or more*, One hundred] Pounds, [*as the Case may be*,] and that your Petitioner has been informed and believes that the said did lately commit an Act of Bankruptcy within the true Intent and Meaning of the Law of Bankruptcy.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against the said

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the
Day of 184 , in the
Presence of
Solicitor, in the Matter of this Petition.

*If the Petition be by Partners, alter the Form accordingly, and let it be signed by One on behalf of himself and Partners.*

*If the Petition be by several, not being Partners, then it must be signed by each, and in such Case the Names of the several Petitioners should be stated in the Attestation or Attestations relating thereto respectively.*

*If the Petitioner cannot speak to the Place of Residence or Business of the Trader, strike out the Averment as to that, and annex to the Petition a separate Affidavit of some Person who can depose to the Fact.*

*If the Petition be against Partners, alter the Form accordingly.*

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## SCHEDULE N.

The Bankrupt Law Consolidation Act, 1849.

*Affidavit of Truth of Allegations in Petition.*

Day of A.D.
of in the of
the Petitioner named in the Petition hereunto annexed, maketh Oath and saith, That the several Allegations in the said Petition are true.

Sworn at this Day of One thousand eight hundred and before me,

*If the Petitioner affirm, alter the Form accordingly.*

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## SCHEDULE O.

The Bankrupt Law Consolidation Act, 1849.

*Petition by a Trader for Adjudication of Bankruptcy against himself.*

To the Court of Bankruptcy for the District.

The humble Petition of

Showeth,

THAT your Petitioner, being a Trader within the Meaning of the Law of Bankruptcy, and having resided [*or* carried on Business, *as the Case may be*,] for Six Calendar Months next immediately preceding the Date of this Petition within the District of this Honourable Court, that is to say, at [*insert the Name of the Place*], and being unable to meet his Engagements with his Creditors, has filed a Declaration of Insolvency in Manner and Form in that Case made and provided, and that your Petitioner verily believes that he can make it appear to the Satisfaction of the Court that his available Estate is sufficient to pay his Creditors at least Five Shillings in the Pound.

Your Petitioner therefore humbly prays, that on Proof of the Requisites in that Behalf Adjudication of Bankruptcy may be made against him.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner on the
Day of 18 , in the
Presence of
Solicitor in the Matter of this Petition.

*If the Petition be by Partners, alter the Form accordingly, and state the Names of the several Petitioners in the Attestation or Attestations relating thereto respectively.*

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## SCHEDULE P.

The Bankrupt Law Consolidation Act, 1849.

*Order to prosecute a Petition for Adjudication of Bankruptcy in a particular District.*

Court of Bankruptcy, Basinghall Street, London,
the Day of A.D.

In the Matter of a Petition for Adjudication of Bankruptcy against *C. D.* of, *&c.*

UPON Application made to me this Day by [of Counsel *or* Solicitor] for and upon reading the Affidavit of
I do hereby order that the Petition for Adjudication of Bankruptcy against the above-named *C.D.* be prosecuted in the District.

*A.B.*,
Commissioner.

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## SCHEDULE Q.

The Bankrupt Law Consolidation Act, 1849.

*Order to consolidate Proceedings, or to impound any Petition for Adjudication of Bankruptcy, and the Proceedings thereunder, or any Part thereof.*

Court of Bankruptcy, Basinghall Street, London,
the Day of A.D.

Ex parte
In the Matter of

UPON Application made to me this Day by [of Counsel *or* Solicitor] for and upon reading the Affidavit of
I do order that [*stating the Order*].

*A.B.*,
Commissioner.

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## SCHEDULE R.

The Bankrupt Law Consolidation Act, 1849.

*Order to transfer a Petition for Adjudication of Bankruptcy, &c. from the Court in one District to the Court in another District.*

Court of Bankruptcy, Basinghall Street, London,
the Day of *A.D.*

Ex parte
In the Matter of

UPON Application made to me this Day by [of Counsel *or* Solicitor] for and upon reading the Affidavit of I do order that [*stating the Order*].

*A.B.*,
Commissioner.

## SCHEDULE S.

*General Docket Book.*

| Name of Bankrupt. | Residence. | Trade. | Petitioning Creditor. | Solicitor. | Date of filing Petition. | Commissioner or Court. | Date of Adjudication. | When advertised. | When annulled. | Time allowed to Petitioning Creditor for proceeding extended. | Proceedings consolidated, impounded, or transferred (as the Case may be). | Date of Certificate of Conformity. | Class of Certificate, 1, 2, or 3. |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | | | | | | | | | |

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## SCHEDULE T.

The Bankrupt Law Consolidation Act, 1849.

*Order for Petition for Adjudication of Bankruptcy to be proceeded in, on a substituted Debt.*

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of )
Day of A.D.

In the Matter of a Bankrupt.

UPON Application made to the Court this Day, by [of Counsel *or* Solicitor] for a Creditor of the above-named Bankrupt, and who has proved a Debt of sufficient Amount to support an Adjudication, and the Debt of the Petitioning Creditor having been found by the Court to be insufficient to support the Adjudication of Bankruptcy against the above-named it is hereby ordered, that the Petition for Adjudication of Bankruptcy filed against the said on the Day of be proceeded in, and that the Costs of, &c. [*stating such Order as to Costs of any of the Parties concerned as the Court thinks fit.*]

*A.B.*, Commissioner.

## SCHEDULE U.

The Bankrupt Law Consolidation Act, 1849.

*Order annulling Adjudication.*

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of )
Day of A.D.

In the Matter of

UPON reading the Proceedings in the above Matter, and upon hearing [the Evidence now adduced, *if the Case be so*, and] what was alleged by and being satisfied that the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy [*or specify the particular Matter deemed insufficient, as the Case may require*,] upon which the Adjudication of Bankruptcy made against the said on the Day of was grounded, were and are [*or* was and is] insufficient to support such Adjudication, and no other Debt, Trading, or Act of Bankruptcy [*or specify the particular Matter requisite in lieu of that deemed insufficient, as the Case may require*,] sufficient to support such Adjudication being proved, I do order that the Adjudication of Bankruptcy made against the said on the said Day of be annulled, and the same is hereby annulled accordingly.

*A.B.*, Commissioner.

## SCHEDULE V.

The Bankrupt Law Consolidation Act, 1849.

*Search Warrant.*

Day of A.D.

WHEREAS by Evidence duly taken upon Oath it hath been made to appear to the Satisfaction of me the undersigned Commissioner of the Court of Bankruptcy, acting in the Prosecution of a Petition for Adjudication of Bankruptcy filed and now in prosecution against *A.B.* of in the County of bearing Date the Day of and under which the said *A.B.* has been adjudged bankrupt, that there is Reason to suspect and believe that

that Property of the said *A.B.* is concealed in the House [*or other Place, describing it, as the Case may be,*] of one *C.D.* of in the County of such House not belonging to the said Bankrupt: These are therefore, by virtue of the "Bankrupt Law Consolidation Act, 1849," to authorize and require you, with necessary and proper Assistants, to enter, in the Daytime, into the House [*or other Place, describing it, as the Case may be,*] of the said *C.D.* situate at aforesaid, and there diligently to search for the said Property, and if any Property of the said Bankrupt shall be there found by you on such Search, that you seize the same, to be disposed of and dealt with according to the Provisions of the said Act.

Given under my Hand and the Seal of the Court, at the Court of Bankruptcy, London, [*or* at the Court of Bankruptcy for the District at in the County of ,] this Day of in the Year of our Lord One thousand eight hundred and .

*A.B.*, (L.S.)
Commissioner.

To , my Messenger, and his Assistants.

*If there be Reason to suspect that the Bankrupt and his Property are concealed, alter the Warrant accordingly.*

## SCHEDULE W.

The Bankrupt Law Consolidation Act, 1849.

*Form of Declaration to be made by the Bankrupt or the Bankrupt's Wife.*

I *A. B.*, the Person declared a Bankrupt under a Fiat in Bankruptcy dated the Day of [*or* under a Petition for Adjudication of Bankruptcy filed on the Day of in the Year of our Lord ] [*or* I *C. D.*, the Wife of *A.B.* declared a Bankrupt under a Fiat in Bankruptcy dated the Day of , *or* under a Petition for Adjudication of Bankruptcy filed on the Day of ,] do solemnly promise and declare, That I will make true Answer to all such Questions as may be proposed to me respecting all the Property of the said *A.B.*, and all Dealings and Transactions relating thereto, and will make a full and true Disclosure of all that has been done with the said Property, to the best of my Knowledge, Information, and Belief.

(Signed) *A.B.*,
[*or C.D.*, the Wife of the said *A.B.*]

## SCHEDULE X.

The Bankrupt Law Consolidation Act, 1849.

*Admission of Debt by Creditor of Bankrupt.*

I, the undersigned *I.K.* of do hereby, in open Court, confess that I am indebted to *E.F.* of a Bankrupt, in the Sum of , upon the Balance of Accounts between myself and the said *E.F.*

(Signed) *I.K.*

Witness, *G.H.*, Attorney of One of the Superior Courts, and named by the said *I.K.* [*or* named by the Court here] according to the Bankrupt Law Consolidation Act, 1849.

SCHE-

## SCHEDULE Y.

The Bankrupt Law Consolidation Act, 1849.

*Order for Payment of Debt admitted in Court to be due to the Estate of a Bankrupt.*

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of )
Day of A.D.

In the Matter of a Bankrupt.

WHEREAS of in his Examination taken Day of and signed and subscribed by the said has admitted that he is indebted to the above-named Bankrupt in the Sum of upon the Balance of Accounts between the said and the said Bankrupt: It is hereby ordered that the said do pay to the Official Assignee of the Estate and Effects of the said Bankrupt, in full Discharge of the Sum so admitted, the Sum of forthwith [*or if otherwise, state the Time and Manner of Payment*], and that the said do also pay to the said Official Assignee the Sum of for the Costs of and incident to the Summons of the said in this Behalf.

*A.B.*, Commissioner.

*C.D.*, Registrar.

*If the Court shall not adjudge the Costs of and incident to the Summons to be paid by the Person summoned, or if the Court shall adjudge the Official Assignee to pay to the Person summoned his Costs, out of the Estate and Effects of the Bankrupt, alter the Form accordingly.*

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## SCHEDULE Z.

The Bankrupt Law Consolidation Act, 1849.

*Certificate of Conformity.*

I Esquire, One of the Commissioners of Her Majesty's Court of Bankruptcy, acting in the Prosecution of a Fiat in Bankruptcy dated the Day of [*or* a Petition for Adjudication of Bankruptcy filed against and bearing Date the Day of ] One thousand eight hundred and do certify, That the said became bankrupt before the Date and issuing of the said Fiat [*or* Date and filing of the said Petition,] within the true Intent and Meaning of the Law of Bankruptcy, and was thereupon adjudged bankrupt accordingly; and I further certify, that due Notice was given in the London Gazette of such Fiat having been issued [*or* Petition having been filed] and of the Adjudication thereon, and that Two public Sittings for the said Bankrupt to surrender and conform were duly appointed, the last of which said Sittings was appointed to be on the Day of last; and I further certify, that such Two several Sittings were had pursuant to such Notice, and that before Three of the Clock upon the said Day of the said Bankrupt did surrender himself, and did sign and subscribe such Surrender, and submit to be examined from Time to Time upon Oath; and I further certify, that the said Bankrupt did on the Day of last finish his Examination, and upon such Examination made a full Disclosure and Discovery of his Estate and Effects, and in all things conformed, and, so far as the Court can judge, there doth not appear any Reason to question the Truth or Fulness of such Discovery; and I further certify, that on the Day of in the Year of our Lord One thousand eight hundred and at the Court of Bankruptcy in Basinghall Street, London, [*or* at in the County of ] I held a public Sitting for the Allowance of this Certificate to

to the said Bankrupt, (whereof, and of the Purport whereof, the Notice required in that Behalf was duly given,) and having regard to the Conformity of the said Bankrupt to the Law of Bankruptcy, and to his Conduct as a Trader before as well as after his Bankruptcy, I did then and there find the said Bankrupt entitled to such Certificate, and did allow the same. And I further certify that his Bankruptcy has arisen from unavoidable Losses and Misfortunes, and that he is entitled to, and I do award him, this Certificate as of the First Class; *or* that his Bankruptcy has not wholly arisen from unavoidable Losses and Misfortunes, and that he is entitled to, and I do award him, this Certificate as of the Second Class; *or* that his Bankruptcy has not arisen from unavoidable Losses or Misfortunes, and that he is only entitled to, and I do only award him, this Certificate as of the Third Class].

[*If the Certificate be allowed with Conditions, the same to be inserted here.*].

Given under my Hand and the Seal of the Court, at the Court of Bankruptcy, London [*or* at the Court of Bankruptcy for the District, at in the County of ], this Day of in the Year of our Lord One thousand eight hundred and

*A.B.*, (L.S.)
Commissioner.

Signed and sealed in the Presence of

*In case of Adjournment, or of the Allowance of the Certificate having been suspended, or of the Allowance thereof by the Vice Chancellor, or upon a Rehearing, alter the Form accordingly.*

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## SCHEDULE A a.

The Bankrupt Law Consolidation Act, 1849.

*Petition for Arrangement.*

To the Court of Bankruptcy for the District.

The humble Petition of

Sheweth,

That your Petitioner, being a Trader unable to meet his Engagements with his Creditors, and desirous of laying the State of his Affairs before them, under the Superintendence and Control of this Honourable Court, and of submitting himself to the Jurisdiction thereof, petitions the Court under the Provisions of "The Bankrupt Law Consolidation Act, 1849."

That the Inability of your Petitioner to meet his Engagements with his Creditors arises from

Your Petitioner therefore prays that his Person and Property may be protected from all Process, and that such Proposal as he may be able to make (or such Modification thereof as by Three Fifths in Number and Value of his Creditors may be determined) may be carried into effect under the Superintendence and Control of this Honourable Court.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner in the Presence of

Solicitor in the Matter of this Petition.

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SCHE-

## SCHEDULE A b.

The Bankrupt Law Consolidation Act, 1849.

*Affidavit in support of Petition for Arrangement.*

[*If the Petitioner affirm, alter the Form accordingly.*]

of in the of
the Petitioner named in the Petition hereunto annexed, maketh Oath and saith, That the several Allegations in the said Petition are true, and that he, this Deponent, hath Assets ready to be produced to this Honourable Court to the Value of 200*l.* and upwards.

Sworn at this Day of One thousand eight hundred and before me.

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## SCHEDULE A c.

The Bankrupt Law Consolidation Act, 1849.

*Certificate to Petitioning Trader.*

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of )
Day of A.D.

WHEREAS of
a Trader unable to meet his Engagements with his Creditors, did on the Day of present his Petition to this Honourable Court, under the Provisions of "The Bankrupt Law Consolidation Act, 1849," praying that a certain Proposal, or such Modification thereof as by Three Fifths in Number and Value of his Creditors might be determined, should be carried into effect, under the Superintendence and Control of the said Court: And whereas
One of the Commissioners of the said Court, acting in the Matter of the said Petition, caused such Sittings of the Court to be held as are directed by the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which the said Commissioner, thinking to be reasonable and proper to be executed under the Direction of the said Court, caused to be filed and entered of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect: I hereby certify the several Matters aforesaid under my Hand and the Seal of Court, this Day of 18 .

*A.B.* (L.S.)
Commissioner.

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## SCHEDULE A d.

The Bankrupt Law Consolidation Act, 1849.

*Certificate to Official Assignee.*

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of )
Day of A.D. .

WHEREAS of
a Trader unable to meet his Engagements with his Creditors, did on the Day of present his Petition to this Honourable Court, under the Provisions of "The Bankrupt Law Consolidation Act, 1849," praying that a certain Proposal should be carried into effect, under the Superintendence and Control of the said Court: And whereas
One of the Commissioners of the said Court, acting in the Matter of the said Petition, caused certain Sittings of the Court to be held pursuant to the said Act:

Act: And whereas a certain Resolution or Agreement was duly assented to at such Sittings, which the said Commissioner, thinking the same to be reasonable and proper to be executed under the Direction of the said Court, caused to be filed and entered of Record therein: And whereas the said Resolution or Agreement has been fully carried into effect, and I am satisfied that the Official Assignee appointed to carry the said Resolution or Agreement into effect, has fully performed his Trust; I hereby certify the same under my Hand and the Seal of the Court, this Day of 184 .

*A.B.* (L.S.)
Commissioner.

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## SCHEDULE B a.

The Bankrupt Law Consolidation Act, 1849.

*Certificate to Assignees or to a Creditor to entitle them to issue Writ of Execution.*

Court of Bankruptcy, Basinghall Street, London,
(*or* at in the County of . )
Day of A.D.

In the Matter of a Bankrupt.

I HEREBY certify, That *A. B.* of and *C. D.* of Assignees of the Estate and Effects of the above-named Bankrupt, are Creditors of the said Bankrupt as such Assignees for the Sum of in trust for the Creditors of the said Bankrupt [*or* that *E. F.* of is a Creditor of the said Bankrupt for the Sum of ], and that the said Bankrupt is not protected by this Court from Process against his Person.

*G.H.*,
Commissioner.

*I. J.*,
Registrar.

Seal of the Court.

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## SCHEDULE B b.

The Bankrupt Law Consolidation Act, 1849.

*Warrant against Person disobeying any Rule or Order of Court.*

WHEREAS by a Rule [*or* an Order] of this Court, bearing Date the Day of made for enforcing the Purposes and Provisions of the Bankrupt Law Consolidation Act, 1849 [*or if of any other Act hereafter in force relating to the Subject Matters of this Act, or made or entered into by Consent for carrying into effect any of such Purposes or Provisions, alter the Recital accordingly*], it was ordered, that, [*&c., &c., as in the Rule or Order*]

And whereas it is now proved that after the making of the said Rule [*or* Order], that is to say, on this Day of a Copy of the said Rule [*or* Order] was duly served on the said personally,

personally, and the original Rule [*or* Order] at the same Time shown to him, but the said then refused [*or* neglected] to obey the same, and hath not as yet obeyed the said Rule [*or* Order]

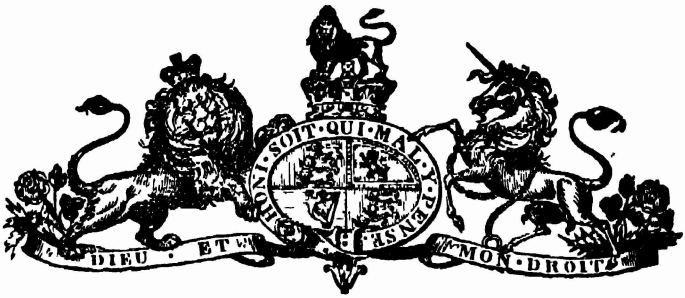
These are therefore to will, require, and authorize you immediately upon Receipt hereof to take into your Custody the Body of the said *A.B.*, and him safely to convey to Her Majesty's Gaol [*or* Prison] of [*or* called ] and him there to deliver to the Keeper of the said Prison, together with this Precept, and the Keeper of the said Prison is hereby required and authorized to receive the said *A.B.* into his Custody, and him safely to keep and detain, without Bail or Mainprize, until this Court, or the Vice Chancellor appointed to sit in Bankruptcy, or the Lord Chancellor, shall make Order to the contrary; and for so doing this shall be your sufficient Warrant.

Given under my Hand and the Seal of the Court at the Court of Bankruptcy, London, [*or* at the Court of Bankruptcy for the District at in the County of ,] this Day of in the Year of our Lord One thousand eight hundred and

*A.B.* (L.S.)
Commissioner.

To my Messenger, or his Assistant, and to the Keeper of Her Majesty's Prison [*or* Gaol] of [*or* called ], or his Deputy there.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.




ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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Petitioning Creditor's Bond may be dispensed with.

III. And be it enacted, That in every Case of a Petition for the Issue of a Commission of Bankrupt the Lord Chancellor of *Ireland* shall dispense with the Bond now required to be given to him by the Petitioning Creditor, conditioned for proving his Debt, and for proving the Party to have committed an Act of Bankruptcy at the Time of issuing such Commission, and for proceeding upon such Commission, and it shall be lawful to issue the Commission without any such Bond having been given.

Person against whom a Commission has issued, on Proof of probable Cause for believing that he is about to quit Ireland, or to remove or conceal his Goods with Intent to defraud Creditors, may be arrested.

IV. And be it enacted, That whenever any Commission of Bankrupt shall have issued against any Person, and it shall be proved to the Satisfaction of the Commissioners authorized to act in the Prosecution of such Commission, or One of them, that there is probable Cause for believing that such Person is about to quit *Ireland*, or to remove or conceal any of his Goods or Chattels with Intent to defraud his Creditors, unless he be forthwith apprehended, it shall be lawful for such Commissioners or Commissioner to issue a Warrant directed to any Person or Persons such Commissioners or Commissioner shall think fit, whereby such Person or Persons shall have Authority to arrest, and commit to such Prison as the said Commissioners or Commissioner shall think fit, the Person named in such Commission, by his Body, and shall also have Authority to seize his Books, Papers, Monies, Securities for Monies, Goods and Chattels, wheresoever they may be found, and them safely keep until the Expiration of the Time allowed for opening such Commission, or until such Person shall be adjudged bankrupt under such Commission, and be thereupon dealt with under such Commission according to the Laws relating to Bankrupts.

Penalty on Gaoler suffering Bankrupt, &c. to escape.

V. And be it enacted, That if any Gaoler to whose Custody any Bankrupt or other Person shall be committed as aforesaid shall suffer such Bankrupt or other Person to escape or go free until released by the Discharge of the said Commissioners, or One of them, or until such Person is adjudged and declared bankrupt, every such Gaoler shall forfeit Five hundred Pounds, to be recovered as herein-after provided.

Any Person so arrested may apply for his Discharge forthwith.

VI. Provided always, and be it enacted, That it shall be lawful for any Person arrested upon any such Warrant, or for any Person whose Books, Papers, Monies, Securities for Monies, Goods or Chattels, have been seized under any such Warrant, to apply, at any Time after such Arrest or Seizure to such Commissioners or Commissioner, for a Summons for the Petitioning Creditor named in such Commission to

to show Cause why the Person arrested should not be discharged out of Custody, or why his Books, Papers, Monies, Securities for Monies, Goods and Chattels, should not be delivered up to him; and that it shall be lawful for such Commissioners or Commissioner, at the Time named in such Summons, or at any Adjournment thereof, to make such Order as to them or him shall seem meet, and to direct the Costs of the Application for the Warrant, and of the Warrant, and the Arrest and Detention thereunder, and of all Proceedings consequent thereupon or arising therefrom, or any Part thereof, or of a specific Sum of Money in lieu thereof, to be paid by either Party, and by such Order to direct when and to whom same shall be paid; provided that any such Order may be rescinded or varied by the Lord Chancellor of *Ireland*, on Application made to him by either Party dissatisfied with such Order.

Commissioner may discharge the Person, or not.

Order of Commissioner may be appealed from.

VII. And be it enacted, That no Person shall be liable to become bankrupt by reason of any Act of Bankruptcy committed more than Twelve Months prior to the issuing of any Commission of Bankrupt against him.

No Person liable upon an Act committed more than Twelve Months.

VIII. And be it enacted, That an Act of Bankruptcy committed by a Trader at any Time within One Year of the issuing of a Commission of Bankruptcy against such Trader, whether prior or subsequent to the Debt of the Petitioning Creditor, shall be deemed sufficient to support the Adjudication of Bankruptcy under such Commission, whether issued before or after the passing of this Act.

Act of Bankruptcy committed within a Year sufficient to support Adjudication.

IX. And be it enacted, That the Amount of the Debt or Debts of any Creditor or Creditors petitioning for a Commission of Bankrupt, shall hereafter be as follows; that is to say, the single Debt of such Creditor, or of Two or more Persons being Partners, petitioning for the same, shall amount to Fifty Pounds or upwards, and the Debt of Two Creditors so petitioning shall amount to Seventy Pounds or upwards, and the Debt of Three or more Creditors so petitioning shall amount to One hundred Pounds or upwards; and that every Person who has given Credit to any Trader upon valuable Consideration for any Sum payable at a certain Time, which Time shall not have arrived when such Trader committed an Act of Bankruptcy, may so petition or join in petitioning as aforesaid, whether he shall have had any Security in Writing for such Sum or not.

Requisite Amount of Petitioning Creditor's Debt.

X. And be it enacted, That all Livery Stable Keepers, Coach Proprietors, Carriers, Ship Owners, Auctioneers, Apothecaries, Market Gardeners,

Persons specially named liable to become Bankrupts.

Gardeners, Cowkeepers, Brickmakers, Alum Makers, Limeburners, and Millers shall be deemed Traders, and subject and liable as Traders to this and to the other Statutes relating to Bankrupts.

Power to Commissioner to summon Trader, if Creditor make Affidavit of his Debt, and of his having required Payment.

XI. And be it enacted, That if any Creditor of any Trader within the Meaning of this or any other Statute relating to Bankrupts now or hereafter to be in force shall file an Affidavit in the Office of the Lord Chancellor's Secretary of Bankrupts in *Ireland*, in the Form or to the Effect specified in the Schedule hereunto annexed (A. No. 1.), of the Truth of his Debt, and of the Debtor as he verily believes being such Trader as aforesaid, and of the Delivery to such Trader personally of an Account in Writing of the Particulars of his Demand, with a Notice thereunder requiring immediate Payment thereof, in the Form or to the Effect specified in the said Schedule (A. No. 2.), it shall be lawful for the Commissioners of Bankrupt in *Ireland*, or One of them, to issue a Summons in Writing in the Form or to the Effect specified in the said Schedule (A. No. 3.), calling upon such Trader to appear before them, or One of them, and stating in such Summons the Purpose for which such Trader is called upon by such Summons to appear, as herein-after provided.

Manner of proceeding on Summons of Trader by a Creditor.

XII. And be it enacted, That upon the Appearance of any such Trader so summoned as aforesaid it shall be lawful for such Commissioners, or One of them, to require such Trader to state whether or not he admits the Demand of such Creditor so sworn to as aforesaid, or any and what Part thereof, and if such Trader shall admit such Demand, or any Part thereof, to reduce such Admission into Writing, in the Form or to the Effect specified in the Schedule hereunto annexed (B. No. 1.), and such Admission so reduced into Writing such Trader is hereby required to sign, and the same is thereupon to be filed in the said Office of the Lord Chancellor's Secretary of Bankrupts; and it shall also be lawful for such Commissioners, or One of them, to allow such Trader upon his said Appearance to make a Deposition upon Oath, in Writing under his Hand, to be filed in the said Office of the Lord Chancellor's Secretary of Bankrupts, in the Form specified in the said Schedule (B. No. 2.), that he verily believes he has a good Defence to the said Demand, or to some and what Part thereof.

Trader not attending Summons, or refusing to admit the Demand, and not making

XIII. And be it enacted, That if any such Trader so summoned as aforesaid shall not come before such Commissioners, or One of them, at the Time appointed, (having no lawful Impediment, made known to and proved to the Satisfaction of the said Commissioners, or One of them, at the said Time, and allowed,) or if any such Trader, upon his

his Appearance to such Summons as aforesaid, or at any Enlargement or Adjournment thereof, as the Case may be, shall refuse to admit such Demand, and shall not make a Deposition in the Form herein-before mentioned that he believes he has a good Defence to such Demand, then and in either of the said Cases, if such Trader shall not, within Fourteen Days after personal Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for such Demand to the Satisfaction of such Creditor, or enter into a Bond, in such Sum and with Two sufficient Sureties as such Commissioners or One of them shall approve of, to pay such Sum as shall be recovered in any Action which shall have been brought or shall thereafter be brought for the recovering of the same, together with such Costs as shall be given in such Action, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Summons, provided a Commission of Bankrupt shall issue against such Trader within Two Months from the filing of such Affidavit.

Deposition of Belief of a good Defence thereto, and not paying or compounding within a certain Time, or giving Bond for Payment, to be deemed to have committed an Act of Bankruptcy.

XIV. And be it enacted, That if any such Trader so summoned as aforesaid shall upon his said Appearance sign an Admission of such Demand in the Form aforesaid, and shall not within Fourteen Days next after the filing of such Admission pay or tender and offer to pay to such Creditor the Amount of such Demand, or secure or compound for the same to the Satisfaction of the Creditor, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after the filing of such Admission, provided a Commission of Bankrupt shall issue against such Trader within Two Months from the filing of such Affidavit.

Trader signing an Admission of Demand in Form prescribed, and not paying, securing, or compounding within a certain Time, an Act of Bankruptcy.

XV. And be it enacted, That if any such Trader so summoned as aforesaid shall upon his said Appearance sign an Admission for Part only of such Demand in the Form aforesaid, and shall not make a Deposition, in the Form herein-before required, that he believes he has a good Defence to the Residue of such Demand, then and in such Case, if such Trader as to the Sum so admitted shall not within Fourteen Days next after the filing of such Admission pay, or tender and offer to pay, to such Creditor the Sum so admitted, or secure or compound for the same to the Satisfaction of the Creditor, and as to the Residue of such Demand shall not within Fourteen Days after Service of such Summons, or within such enlarged Time as may be granted to him in that Behalf, pay, secure, or compound for the same to the Satisfaction of such Creditor, or enter into a Bond in such Sum and with Two sufficient Sureties as such Commissioners or One of them shall approve of, to pay such Sum as shall be recovered in any

Trader admitting Part only of a Demand, and not making Deposition of a good Defence to the Residue, and not paying, securing, or compounding for Sum admitted, and as to Residue not paying or compounding or entering into Bond to pay an Sum recovered, with

Costs, an Act of Bankruptcy.

Action which shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in such Action, every such Trader shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Summons, provided a Commission of Bankrupt shall issue against such Trader within Two Months from the filing of such Affidavit.

What shall be deemed a Refusal of Admission of Debt.

Commissioners may enlarge the Time for Admission of Demand.

XVI. Provided always, and be it enacted, That if any such Trader so summoned as aforesaid shall upon his Appearance before such Commissioners or Commissioner refuse to sign the Admission in that Behalf required as aforesaid, whatever may be the Nature of his Statement, or whether he makes any Statement or not, it shall be deemed, for the Purposes of this Act, that every such Trader thereby refuses to admit such Demand: Provided always, that it shall be lawful for such Commissioners, or One of them, upon reasonable Cause shown, to enlarge the Time for calling upon such Trader to state whether or not he admits such Demand, or any Part thereof, and for entering into such Bond, or for either of such Matters, for such Time as such Commissioners or Commissioner shall think fit.

Admission of Debt signed elsewhere than in Court, if attested by Attorney of Trader, may be filed, and have the same Force as an Admission signed by a Trader on his Appearance before Commissioners under the Summons.

XVII. Provided always, and be it enacted, That an Admission of any Debt made after such Summons as aforesaid, and signed by any such Trader elsewhere than before such Commissioners or Commissioner, may be filed in such Office of the Lord Chancellor's Secretary of Bankrupts, and shall be of the same Force and Effect to all Intents and Purposes as an Admission signed by such Trader so summoned as aforesaid on his Appearance before such Commissioner or Commissioners, provided there be present some Attorney of one of Her Majesty's Superior Courts of Law on behalf of such Trader, especially named by him and attending at his Request, to inform him of the Effect of such Admission before the same is signed by such Trader, and provided also, that such Attorney do subscribe his Name thereto as a Witness to the due Execution thereof, and in such Attestation declare himself to be Attorney for the said Trader, and state therein that he subscribes as such Attorney, and that such Admission shall be made in the Form or to the Effect of Schedule (C.) hereunto annexed; and a Copy of such Admission, purporting to be certified by the said Secretary or his Clerk as a true Copy, shall be received as Evidence of such Admission having been so filed.

Trader summoned on Affidavit of Debt to have such Costs as

XVIII. And be it enacted, That where any Trader against whom an Affidavit of Debt is filed as aforesaid shall be summoned to appear before the said Commissioners or Commissioner, every such Trader shall

shall have such Costs and Charges against the Party or Parties who filed such Affidavit as such Commissioners or Commissioner in their or his Discretion shall think fit; or the Commissioner may direct the Costs and Charges of either Party of or incident to or attendant upon such Affidavit and Summons to abide the Event of any Action which shall have been brought or shall thereafter be brought for the Recovery of such Demand, or any Part thereof, and in such Case such Costs and Charges shall be Costs in the Cause, and recovered under the Judgment and Execution in such Action.

the Commissioners shall think fit; or Commissioner may direct the Costs to abide the Event of any Action for the Debt.

XIX. And be it enacted, That in every such Action brought after the Commencement of this Act, wherein any such Creditor is Plaintiff and any such Trader is Defendant, and wherein the Plaintiff shall not recover the Amount of the Sum for which he shall have filed an Affidavit of Debt under the Provisions of this Act, such Defendant shall be entitled to Costs of Suit, to be taxed according to the Course of the Court in which such Action shall have been brought; provided that it shall be made appear to the Satisfaction of the Court in which such Action is brought, upon Motion to be made in Court for that Purpose, and upon hearing the Parties by Affidavit, that the Plaintiff in such Action had not any reasonable or probable Cause for making such Affidavit of Debt in such Amount as aforesaid, and provided such Court shall thereupon, by a Rule or Order of the same Court, direct that such Costs shall be allowed to the Defendant, and provided such Costs are duly taxed and ascertained within such Time as shall be directed by such Rule or Order; and the Plaintiff shall, upon such Rule or Order being made as aforesaid, be disabled from taking out any Execution for the Sum recovered in any such Action, unless the same shall exceed, and then in such Sum only as the same shall exceed, the Amount of the taxed Costs of the Defendant in such Action; and in case the Sum recovered in any such Action shall be less than the Amount of the Costs of the Defendant, to be taxed as aforesaid, that then the Defendant shall be entitled, after deducting the Sum of Money recovered by the Plaintiff in such Action from the Amount of his Costs, so to be taxed and ascertained as aforesaid, to take out Execution for such Costs in like Manner as a Defendant may now by Law have Execution for Costs in other Cases.

Wherever a Creditor Plaintiff shall not recover the Amount sworn to in his Affidavit of Debt filed against a Trader, if such Affidavit be made for such Amount without probable Cause, the Trader Defendant shall be entitled to Costs.

XX. And be it enacted, That if any Plaintiff shall recover Judgment in any Action Personal for the Recovery of any Debt or Money Demand in any of Her Majesty's Courts of Record against any such Trader, and shall be in a Situation to sue out Execution upon such Judgment, and there be nothing due from such Plaintiff by way of Set-off

Trader not paying, securing, or compounding for a Judgment Debt, upon which the

Plaintiff might sue out Execution within Fourteen Days after Notice requiring Payment, an Act of Bankruptcy.

Set-off against such Judgment, and such Trader shall not within Fourteen Days after Notice in Writing served upon him, requiring immediate Payment of such Judgment Debt, pay, secure, or compound for the same to the Satisfaction of such Plaintiff, he shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after Service of such Notice; provided always, that if such Execution shall in the meantime be suspended or restrained by any Rule, Order, or Proceeding of any Court of Justice having Jurisdiction in that Behalf, no further Proceeding shall be had on such Notice, but that it shall be lawful nevertheless for such Plaintiff, when he shall again be in a Situation to sue out Execution on such Judgment, to proceed again by Notice in manner before directed.

Trader disobeying Order of any Court of Law or Equity, or Order in Bankruptcy or Lunacy, for Payment of Money, after Service of Order for Payment on a peremptory Day fixed, an Act of Bankruptcy.

XXI. And be it enacted, That if any Decree or Order shall be pronounced in any Cause or Matter depending in any Court of Law or Equity, or any Order shall be made in any Matter of Bankruptcy or Lunacy, against any such Trader, ordering such Trader to pay any Sum of Money, and such Trader shall disobey such Decree or Order, same having been duly served upon him, the Person entitled to receive such Sum under such Decree or Order, or interested in enforcing the Payment thereof pursuant thereto, may apply to the Court by which the same shall have been pronounced to fix a peremptory Day for the Payment of such Money, which shall accordingly be fixed by an Order for that Purpose; and if such Trader, being served with such last-mentioned Order Fourteen Days before the Day therein appointed for Payment of such Money, shall neglect to pay, secure, or compound for the same to the Satisfaction of the Person entitled to receive the same, he shall be deemed to have committed an Act of Bankruptcy on the Fifteenth Day after the Service of such Order.

Trader filing a Declaration of Insolvency in the Office of the Secretary of Bankrupts an Act of Bankruptcy.

XXII. And be it enacted, That if any such Trader shall file in the Office of the Lord Chancellor's Secretary of Bankrupts a Declaration in Writing (in the Form or to the Effect of Schedule (D.) hereunto annexed), signed by such Trader and attested by an Attorney or Solicitor, that he is unable to meet his Engagements, every such Trader shall be deemed thereby to have committed an Act of Bankruptcy at the Time of filing such Declaration, provided a Commission of Bankrupt shall issue against such Trader within Two Months from the filing of such Declaration; and a Copy of such Declaration, purporting to be certified by the said Secretary or his Clerk as a true Copy, shall be received as Evidence of such Declaration having been filed.

XXIII. And

XXIII. And be it enacted, That the filing of a Petition by any Trader for an Arrangement between such Trader and his Creditors with the Concurrence of a certain Number thereof, under the Provisions of this Act, shall be accounted and adjudged conclusive Evidence of an Act of Bankruptcy committed by such Trader at the Time of filing such Petition, provided a Commission of Bankruptcy shall be issued against him within Two Months after Notice of such Petition for Arrangement having been filed shall have appeared in the *Dublin Gazette*, as herein-after directed: Provided also, that no Commission of Bankruptcy shall issue unless and until after such Petition for Arrangement shall have been dismissed.

Filing Petition for Arrangement between a Trader Debtor and his Creditors with the Concurrence of a certain Number thereof, to be an Act of Bankruptcy, if Petition dismissed.

XXIV. And be it enacted, That if any single Creditor, or any Two or more Creditors being Partners, whose Debts shall amount to One hundred Pounds or upwards, or any Two Creditors whose Debts shall amount to One hundred and fifty Pounds or upwards, or any Three or more Creditors whose Debts shall amount to Two hundred Pounds or upwards, of any Trader within the Meaning of the Laws respecting Bankrupts, shall file with the proper Officer in the Office of the Lord Chancellor's Secretary of Bankrupts in *Ireland* an Affidavit or Affidavits, to be sworn before any of the Persons authorized by this Act to administer Oaths, that such Debt or Debts is or are justly due to him or them respectively, and that such Debtor, as he or they verily believe, is such Trader as aforesaid, and shall cause him to be served personally with a Copy of such Affidavit or Affidavits, and with a Notice in Writing stating that such Affidavit or Affidavits hath or have been filed in the said Office, pursuant to this Act, and requiring immediate Payment of such Debt or Debts, and if such Trader shall not within Twenty-one Days after personal Service of such Affidavit or Affidavits and Notice, or within such further Time as any Commissioner of Bankrupt shall order, pay such Debt or Debts, or secure or compound for the same to the Satisfaction of such Creditor or Creditors, or enter into a Bond in such Sum and with Two such sufficient Sureties as shall be approved of by any Judge of Her Majesty's Superior Courts at *Dublin*, or any Judge of Assize, or any Assistant Barrister at Quarter Sessions, or any Master in Ordinary of the Court of Chancery in *Ireland*, or any of such Persons as shall be for that Purpose appointed from Time to Time by any General or Special Order of the Lord Chancellor of *Ireland*, or, until such Appointment shall be made, by any perpetual Commissioner appointed for taking Acknowledgments of Deeds by married Women, under the Act for "the Abolition of Fines and Recoveries, and for the Substitution of more simple Modes of Assurance in *Ireland*," to pay such Sum or Sums as shall be recovered in any Action or Actions which shall

Manner of making a Debtor a Bankrupt by Affidavit of Debt and Notice to pay.

Creditor to file an Affidavit of Debt, and serve Notice requiring Payment within Twenty-one Days.

shall have been brought or shall thereafter be brought for the Recovery of the same, together with such Costs as shall be given in the same, or to render himself to the Custody of the Gaoler of the Court in which such Action shall have been or may be brought, according to the Practice of such Court, or within such Time and in such Manner as the said Court or any Judge thereof shall direct, after Judgment shall have been recovered in such Action, then and in any such Case such Trader shall be deemed to have committed an Act of Bankruptcy on the Twenty-second Day after Service of such Affidavit or Affidavits and Notice, provided a Commission of Bankruptcy shall issue against such Trader within Two Calendar Months from the filing of such Affidavit or Affidavits, but not otherwise.

**If Commission not proceeded on by Petitioning Creditor within Three Days, any other Creditor may proceed on it.**

XXV. And be it enacted, That if any Petitioning Creditor on whose Petition a Commission of Bankruptcy shall have issued shall not proceed within Three Days after the Date of the Commission, or within such extended Time as may be allowed by the said Commissioners or Commissioner, the said Commissioners or Commissioner may, at any Time within Fourteen Days then next following, upon the Application of any Creditor to the Amount required to constitute a Petitioning Creditor, proceed to adjudicate thereon, upon the Proof of the Debt of such Creditor, and of the other Requisites to support such Adjudication; but if neither the Petitioning Creditor nor any Creditor shall within such Fourteen Days apply to the Court to adjudicate, no further Proceeding shall be taken thereon.

**If Bankrupt shall not proceed to dispute the Commission, and prosecute with Effect, the Gazette to be conclusive Evidence of the Bankruptcy as against the Bankrupt, and against Persons whom the Bankrupt might have sued had he not been adjudged bankrupt.**

XXVI. And be it enacted, That if the Bankrupt shall not (if he were within the United Kingdom at the Date of the Adjudication) within Two Months after the Advertisement of the Bankruptcy in the *Dublin Gazette*, or (if he were in any other Part of *Europe* at the Date of the Adjudication) within Three Months after the Date of such Advertisement, or (if he were elsewhere at the Date of the Adjudication) within Twelve Months after such Advertisement, have commenced an Action or other Proceeding to dispute or annul the Commission, and shall not have prosecuted the same with due Diligence and with Effect, the Gazette containing such Advertisement shall be conclusive Evidence in all Cases as against such Bankrupt, and in all Actions at Law or Suits in Equity brought by the Assignees for any Debt or Demand for which such Bankrupt might have sustained any Action or Suit had he not been adjudged bankrupt, that such Person so adjudged bankrupt became a Bankrupt before the Date and suing forth of such Commission, and that such Commission was sued forth on the Day on which the same is stated

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in the Gazette to bear Date; saving all Rights which shall have accrued to any such Person as aforesaid previous to the Commencement of this Act, and in respect of which any Proceedings shall be pending at the Time of the Commencement of this Act, which shall be adjudged and determined as if this Act had not been passed.

saving present Rights for which any Proceedings are pending.

XXVII. And be it enacted, That if the Assignees commence any Action or Suit for any Money due to the Bankrupt's Estate before the Time allowed by this Act for the Bankrupt to dispute the Commission shall have elapsed, any Defendant in any such Action or Suit shall be entitled, after Notice given to the Assignees, to pay the same or any Part thereof into the Court in which such Action or Suit is brought, and all Proceedings with respect to the Money so paid into Court shall thereupon be stayed until the Time aforesaid shall have elapsed; and if within that Time the Bankrupt shall not have commenced such Action, Suit, or other Proceeding as aforesaid, and prosecuted the same with due Diligence, the Money shall be paid out of Court to the Assignees, but otherwise shall abide the Event of such Action, Suit, or other Proceeding as aforesaid, and upon such Event shall be paid out of Court either to the Assignees or the Person adjudged bankrupt, as the Court shall direct, and that after such Payment so made into Court it shall not be lawful for the Person so adjudged bankrupt to proceed against the Defendant for Recovery of the same Money.

Provision for Debtor to the Bankrupt's Estate paying the Debt into Court when sued by the Assignees within the Time for Bankrupt to dispute.

XXVIII. And be it enacted, That One or Two Persons, being Merchants, Brokers, or Accountants, or Persons who are or have been engaged in Trade, and resident in *Ireland*, shall be appointed by the Lord Chancellor to act as Official Assignee or Assignees in all Bankruptcies prosecuted before the said Commissioners of Bankrupt, One of which said Official Assignees shall in all Cases be an Assignee of each Bankrupt's Estate and Effects, together with the Assignee or Assignees to be chosen by the Creditors, such Official Assignee to give such Security, to be subject to such Rules, to be selected for such Estate, and to act in such Manner as the said Commissioners or Commissioner, with the Consent of the Lord Chancellor, shall from Time to Time direct.

Appointment of Official Assignees.

Their Duty.

XXIX. And be it enacted, That if the Security to be given by and for such Official Assignee be by Recognizance, the same shall be acknowledged before the said Commissioners, or One of them, and which Recognizance shall be filed in the Office of the Lord Chancellor's Secretary of Bankrupts, and shall be entered of Record in the Office for the Enrolment of Matters relating to Bankruptcy; or it shall

Commissioners may take Security by Recognizance or of Guarantee Society.

shall be lawful for the said Commissioners, if they shall think fit, to accept, as Security for such Official Assignee or Assignees, the Security of any Guarantee Society established by Charter or Act of Parliament in any Part of *Great Britain* or *Ireland*, in lieu of any other Security.

Official Assignees to receive Bankrupt's Estate and Effects.

XXX. And be it enacted, That all the Personal Estate and Effects, and the Rents and Profits of the Real Estate, and the Proceeds of Sale of all the Estate and Effects, Real and Personal, of the Bankrupt, shall in every Case be possessed and received by such Official Assignee alone, save where it shall be otherwise directed by the said Commissioners or Commissioner; and all Stock in the Public Funds or of any Public Company, and all Monies, Exchequer Bills, or other Public Securities, and all Bills, Notes, and other negotiable Instruments, shall be forthwith transferred, delivered, and paid by such Official Assignee into the Bank of *Ireland*, to the Credit of the said Official Assignee and of the Assignee or Assignees chosen by the Creditors, to be subject to such Order, Rule, and Regulation for keeping of the Account of the said Monies and other Effects, for the Payment and Delivery in, Investments and Delivery out of the same, as the said Commissioners or Commissioner shall direct; and if any such Assignee shall neglect to make such Transfer, Delivery, or Payment, every such Assignee shall be liable to be charged in his Account with such Sum as shall be equal to Interest at the Rate of Twenty Pounds *per Cent. per Annum* on all such Money for the Time during which he shall have so neglected to make such Transfer, Delivery, or Payment.

How to apply same.

Proviso restricting the Authority of the Official Assignee.

XXXI. Provided always, and be it enacted, That nothing herein contained shall extend to authorize any such Official Assignee to interfere with the Assignees chosen by the Creditors, in the Appointment or Removal of a Solicitor or Attorney, or in directing the Time and Manner of effecting any Sale of the Bankrupt's Estate or Effects.

Lord Chancellor may remove Official Assignees, and may fill up Vacancy in their Number.

XXXII. And be it enacted, That it shall be lawful for the Lord Chancellor to remove any Official Assignee, and from Time to Time as any Vacancy may occur in the Number of Official Assignees to appoint some other such Person as aforesaid, or who has acted as the Managing Clerk of an Official Assignee for the Period of Seven Years, to fill any Vacancy so occurring; and in case of the Death or Removal of any Official Assignee who shall have been appointed to act in any Bankruptcy Matter it shall be lawful for the said Commissioners or

Commissioner, subject to any Rules to be made by virtue of this Act, to appoint another Official Assignee to act in the same Bankruptcy Matter in the Place of the Assignee who shall so have become dead or been removed.

XXXIII. And be it enacted, That in all Bankruptcy Matters which shall be pending at the Time of the passing of this Act it shall be lawful for the said Commissioners or Commissioner, at their or his Discretion, to appoint some One of the aforesaid Official Assignees to act with the existing Assignees, if any, under such Commission, and to direct the existing Assignees to pay and deliver over to such Official Assignee or Assignees all Monies, Books, Papers, and Effects whatsoever in their Possession or Custody as such Assignees; and all the Real and Personal Estate of the Bankrupt under such Commission shall immediately on such Appointment vest in such Official Assignee jointly with the existing Assignees, if any, in like Manner as if the Proceedings in the said Bankruptcy Matter had originally been commenced subsequent to the passing of this Act, without Prejudice to any Action or Suit commenced or any Contract entered into by the existing Assignees at the Time of the passing of this Act.

Power to appoint Official Assignee to act with the existing Assignees under Commissions now pending, and to whom the latter shall deliver over Effects.

XXXIV. And be it enacted, That until an Assignee shall be chosen by the Creditors of any Bankrupt the Official Assignee, if nominated by the said Commissioners or Commissioner, shall be enabled to act, and shall be deemed to be to all Intents and Purposes a sole Assignee of the Property of such Bankrupt, and, if the said Commissioners or Commissioner shall so order, may sell or otherwise dispose of such Property or any Part thereof, and make such Allowance out of the Property of such Bankrupt for the Support of himself and his Family as the said Commissioners or Commissioner shall direct; and the Property vested in any Official Assignee, alone or jointly with such Assignee chosen by the Creditors, shall not remain in such Official Assignee alone or jointly with such Assignee chosen by the Creditors if such Official Assignee shall resign or be removed from his Office, nor in the Heirs, Executors, or Administrators of such Official Assignee, nor in the surviving Assignee alone in the Case of the Death of such Official Assignee, but all such Property shall in every such Case go to and be vested in the Successors in Office of such Official Assignee, alone or jointly with the Assignee chosen by the Creditors (if any), as the Case may be.

Official Assignee may act until Creditors Assignee appointed. May sell the Property, if Commissioner so order, and make Allowance to Bankrupt for his Support.

Property vested in Official Assignee to go to his Successor.

XXXV. And be it enacted, That no Official Assignee shall be deemed personally responsible or liable for any Act done by him, or

To exempt Official Assignee from

personal Responsibility.

or by his Order or Authority, in the Execution of his Duty as such Official Assignee, by reason of the Petitioning Creditor's Debt, Trading, and Act of Bankruptcy upon which the Adjudication of Bankruptcy under the Commission shall have been grounded, or of any or either of such Matters, being insufficient to support such Adjudication.

Debtor and Creditor Account to be furnished by Official Assignee to Creditors Assignee before Dividend.

XXXVI. And be it enacted, That, Fourteen Days before a Dividend shall be advertised under any Bankrupt's Estate, there shall be sent by the Official Assignee to each Creditor's Assignee of such Estate a Debtor and Creditor Account between the Official Assignee and such Estate, showing also the Monies remaining uncollected under such Estate, and the Cause of such Monies remaining uncollected, a Copy of which Account shall be delivered to the Bankrupt, or to any Creditor who shall apply for the same, and have proved or claimed a Debt under such Commission, upon his applying for the same to the Official Assignee, and paying such Sum, not exceeding Two Shillings and Sixpence, as shall be settled by the said Commissioners.

Remuneration to Official Assignee.

XXXVII. And be it enacted, That it shall be lawful for the said Commissioners or Commissioner before whom any Person shall be adjudged a Bankrupt, or who shall appoint an Official Assignee under the Power herein-before given for that Purpose, to order and allow to be paid out of the Bankrupt's Estate to the Official Assignee thereof, as a Remuneration for his Services, such Sum of Money as shall appear to such Commissioner, upon Consideration of the Amount of the Bankrupt's Property, and the Nature of the Duties to be performed by such Official Assignee, to be just and reasonable; provided, however, that such Remuneration shall always be made by way of Per-centage on the total Amount of the Monies realized.

Pay, Half Pay, and Pensions of Bankrupts to be applicable for the Benefit of Creditors.

XXXVIII. And be it enacted, That the Commissioners of Bankrupt, or One of them, may order such Portion of the Pay, Half Pay, Salary, Emolument, or Pension of any Bankrupt as on Communication from the said Commissioner to the Secretary of War or the Lords Commissioners of the Admiralty, or the Commissioners of the Customs or Excise, or the Chief Officer of the Department to which such Bankrupt may belong or may have belonged, or under which such Pay, Half Pay, Salary, Emolument, or Pension may be enjoyed by such Bankrupt, or to the Court of Directors of the *East India* Company, they respectively may, under their Hands, or under the Hand of their



respective

respective Chief Secretary or other Chief Officer for the Time being, consent to in Writing to be paid to the Official Assignee, in order that the same may be applied in Payment of the Debts of such Bankrupt; and, such Order and Consent being lodged in the Office of Her Majesty's Paymaster General, or of the Secretary of said Court of Directors, or of any other Officer or Persons appointed to pay or paying any such Half Pay, Salary, Emolument, or Pension, such Portion of the said Pay, Half Pay, Salary, Emolument, or Pension as shall be specified in such Order and Consent shall be paid to such Official Assignee, until the said Commissioners or Commissioner shall make Order to the contrary.

Audits and Dividends to be had and made whenever the Commissioner thinks fit after the Time appointed for the Bankrupt's last Examination.

XXXIX. And be it enacted, That it shall be lawful for the Commissioners authorized to act in the Prosecution of any Commission of Bankrupt, or One of them, whenever such Commissioners or Commissioner shall think fit, at or after the Sitting appointed for the last Examination of the Bankrupt named in such Commission, to audit the Assignees Accounts, and to make a Declaration of Dividend under such Commission, subject nevertheless to such Advertisement, and such other Provisions relating to such Audits and Dividends, as are now required in respect of Audits and Dividends under Bankrupts Estates, except such Provisions as relate to the Limitation of Time in any Manner respecting such Audits and Dividends or the Appointment thereof.

Commissioner may order Three Months Wages or Salary to Clerks or Servants.

XL. And be it enacted, That when any Bankrupt under a Commission issued after the Commencement of this Act shall have been indebted at the Time of issuing the Commission against him to any Servant or Clerk of such Bankrupt in respect of the yearly or other Wages or Salary of such Servant or Clerk, it shall be lawful for the Commissioners authorized to act in the Prosecution of such Commission, or One of them, upon Proof thereof, to order so much as shall be so due as aforesaid, not exceeding Three Months Wages or Salary, and not exceeding Thirty Pounds, to be paid to such Servant or Clerk, out of the Estate of such Bankrupt; and such Servant or Clerk shall be at liberty to prove under the Commission for any Sum exceeding such last-mentioned Amount.

Commissioner may order Wages not exceeding 40s. to Labourer or Workman.

XLI. And be it enacted, That when any Bankrupt under a Commission issued after the Commencement of this Act shall have been indebted at the Time of issuing the Commission against him to any Labourer or Workman of such Bankrupt in respect of the Wages or Labour of such Labourer or Workman, it shall be lawful for the Commis-

Commissioners authorized to act in the Prosecution of such Commission, or One of them, upon Proof thereof, to order so much as shall be so due as aforesaid, not exceeding Forty Shillings, to be paid to such Labourer or Workman out of the Estate of such Bankrupt; and such Labourer or Workman shall be at liberty to prove under the Commission for any Sum exceeding such last-mentioned Amount.

Search Warrants may be granted.

XLII. And be it enacted, That in all Cases where it shall be made to appear to the Satisfaction of the Commissioners authorized to act in the Prosecution of any Commission of Bankrupt, or One of them, that there is Reason to suspect and believe that Property of any Bankrupt is concealed in any House, Premises, or other Place, not belonging to such Bankrupt, such Commissioners or Commissioner are and is hereby directed and authorized to grant a Search Warrant in the Form or to the Effect in Schedule (H.) hereunto annexed, to any Person appointed by such Commissioners or Commissioner; and it shall be lawful for such Person to execute such Warrant according to the Tenor thereof, and such Person shall be entitled to the same Protection as is allowed by Law in Execution of a Search Warrant for Property reputed to be stolen or concealed.

In Cases of Member of a Firm being bankrupt, Commissioners, upon Application, may authorize Actions or Suits in Name of the Assignee of the Bankrupt and the remaining Partner.

Partner to have Notice of such Application, and may show Cause against it.

Commissioner may direct Partner to have Part of Proceeds.

XLIII. And be it enacted, That if any Person adjudged bankrupt after the Commencement of this Act shall at the Time of his Bankruptcy be a Member of a Firm, it shall be lawful for the said Commissioners of Bankrupt, or One of them, to authorize the Assignee, upon his Application, to commence or prosecute any Action at Law or Suit in Equity, in the Name of such Assignee and of the remaining Partner or Partners, against any Debtor of the Partnership; and such Judgment, Decree, or Order may be obtained therein as if such Action or Suit had been instituted with the Consent of such Partner; and if such Partner or Partners shall execute any Release of the Debt or Demand for which such Action or Suit is instituted, such Release shall be void; provided that every such Partner shall have Notice given him of such Application, and be at liberty to show Cause against it, and if no Benefit is claimed by him by virtue of the said Proceedings shall be indemnified against the Payment of any Costs in respect of such Action or Suit, in such Manner as such Commissioners or Commissioner, upon his Application, shall direct; and that it shall be lawful for such Commissioners or Commissioner, upon the Application of such Partner, to direct that he may receive so much of the Proceeds of such Action or Suit as such Commissioners or Commissioner shall direct.

XLIV. And

XLIV. And be it enacted, That if any Person adjudged bankrupt after the Commencement of this Act shall not before Three of the Clock upon the Day limited for the Surrender of such Bankrupt, or at the Hour and upon the Day allowed him for finishing his Examination, after Notice thereof in Writing to be left at the usual or last known Place of Abode or Business of such Person, or personal Notice in case such Person be then in Prison, and Notice given in the *Dublin Gazette* of the issuing of the Commission, and of the Sittings of the Commissioners authorized to act in the Prosecution of the Commission against him, surrender himself to such Commissioners, or One of them, and sign or subscribe such Surrender, and submit to be examined before such Commissioners, or One of them, from Time to Time, upon Oath, or if any such Bankrupt upon such Examination shall not discover all his Real and Personal Estate, and how, and to whom, upon what Consideration, and when he disposed of, assigned, or transferred any of such Estate, and all Books, Papers, and Writings relating thereto, (except such Part as shall have been really and *bonâ fide* before sold or disposed of in the way of his Trade, or laid out in the ordinary Expenses of his Family,) or if any such Bankrupt shall not upon such Examination deliver up to the said Commissioners all such Part of such Estate, and all Books, Papers, and Writings relating thereunto, as shall be in his Possession, Custody, or Power, (except the necessary Wearing Apparel of himself, his Wife and Children,) or if any such Bankrupt shall remove, conceal, or embezzle any Part of such Estate to the Value of Ten Pounds or upwards, or any Books of Account, Papers, or Writings relating thereto, with Intent to defraud his Creditors, every such Bankrupt shall be deemed guilty of Felony, and be liable to be transported for Life, or for such Term not less than Seven Years as the Court before which he shall be convicted shall adjudge, or shall be liable to be imprisoned, with or without hard Labour, in any Common Gaol, Penitentiary House, or House of Correction, for any Term not exceeding Seven Years.

Bankrupt not surrendering and submitting to be examined, or making Discovery of his Estate and Effects, or not delivering up his Estate, Books, &c., or concealing, &c. to the Value of 10*l.*, guilty of Felony, and liable to Transportation or Imprisonment, with or without hard Labour.

XLV. And be it enacted, That the Commissioners authorized to act in the Prosecution of any Commission of Bankrupt, or One of them, shall have Power, as often as such Commissioners or Commissioner shall think fit, from Time to Time, to enlarge the Time for the Bankrupt named in such Commission surrendering himself for such Time as such Commissioners or Commissioner shall think fit, so as every such Order be made Six Days at least before the Day on which such Bankrupt was bound to surrender himself; and the said Commissioners or Commissioner shall also have Power, at the Time appointed for the last Examination of a Bankrupt, or any Enlargement or Adjournment thereof, to order that said Bankrupt shall be free from Arrest or Imprisonment for such Time not exceeding Three Months

Commissioner may enlarge the Time for the Bankrupt surrendering himself.

Commissioner may order that Bankrupt shall be free from Arrest for Three Months after

final Examination.

Months as such Commissioner shall from Time to Time, by Endorsement upon the Summons of such Bankrupt, appoint; and if any Officer shall detain any such Bankrupt after he shall have shown such Summons and Endorsement to him such Officer shall forfeit to such Bankrupt, for his own Use, the Sum of Five Pounds for every Day he shall detain such Bankrupt, to be recovered by Action of Debt in any Court of Record at *Dublin* in the Name of such Bankrupt, with full Costs of Suit.

Bankrupt destroying or falsifying any of his Books, &c., or making false Entries, guilty of a Misdemeanor, and liable to Imprisonment, with or without hard Labour.

XLVI. And be it enacted, That if any Bankrupt shall after an Act of Bankruptcy committed, or in contemplation of Bankruptcy or Insolvency, or with Intent to defeat the Object of this or any other Statute relating to Bankrupts, and after the Commencement of this Act, have destroyed, mutilated, altered, or falsified any of his Books, Papers, Writings, or Securities, or made or been privy to the making of any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, every such Bankrupt shall be deemed to be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to be imprisoned in any Common Gaol or House of Correction for any Term not exceeding Three Years, with or without hard Labour.

Bankrupt within Three Months of his Bankruptcy having obtained Goods on Credit under false Pretence, or removing, concealing, &c. Goods so obtained, guilty of a Misdemeanor.

XLVII. And be it enacted, That if any Bankrupt shall within Three Months next preceding his Bankruptcy, and after the Commencement of this Act, under the false Colour and Pretence of carrying on Business and dealing in the ordinary Course of Trade, have obtained on Credit from any other Person any Goods or Chattels, with Intent to defraud the Owner thereof, or if any Bankrupt shall within the Time aforesaid, with such Intent, have removed, concealed, or disposed of any Goods or Chattels so obtained, knowing them to have been so obtained, every such Person so offending shall be deemed to be guilty of a Misdemeanor, and, being convicted thereof, shall be liable to Imprisonment for any Term not exceeding Two Years, with or without hard Labour.

Bankrupt arrested under Warrant from Commissioner may be committed.

XLVIII. And be it enacted, That it shall be lawful for either of the said Commissioners, by any Warrant under his Hand and Seal authorizing the Person therein named to apprehend and arrest any Bankrupt for disobeying the Summons of the said Commissioners or either of them, to order and direct that such Bankrupt when arrested shall be committed to and detained in such Prison as the said Commissioners shall think fit, there to remain, without Bail, until he shall (when so required) submit himself to One of the said Commissioners to be sworn, and full Answers make to his Satisfaction to such Questions as he shall put to him, and sign and subscribe such Examination.



XLIX. And

XLIX. And be it enacted, That in any Warrant of Committal of any Person by the said Commissioners for refusing to answer any Question, or for not fully answering to the Satisfaction of the said Commissioners, or for refusing to sign and subscribe his Examination, it shall not be necessary to set forth or specify any such Questions, nor any Part of the Examination of the Person so committed, but it shall be sufficient to refer in the said Warrant to the Examination or Deposition of the Person committed as remaining on the File of Proceedings, and to specify in said Warrant the precise Date of the said Examination or Deposition so referred to; provided, however, that in every Case in which any Person shall be so committed for refusing to answer, or for not fully answering any Question put to him, every such Question shall be specified in the Examination or Deposition of the Person committed remaining on the File of Proceedings, and so referred to as aforesaid; and provided also, that a Copy of the said Examination or Deposition so referred to shall be delivered personally to the Person committed within Sixteen Hours next after his actual Committal to Prison; and in default of said Copy being so delivered the Person committed shall be discharged from Custody, either by the said Commissioners, or by the Court or Judge before whom such Person may be brought by Habeas Corpus, with such Costs, if any, as said Commissioners, Court or Judge, may deem just; and, save as herein above provided, no Person shall be discharged from such Custody for mere Matter of Form, but upon the Merits only; and any Warrant for unsatisfactory answering shall be in the Form or to the Effect in Schedule (E.) to this Act annexed; and any Warrant for refusing to answer, or for being guilty of any Riot or Disturbance in any Court held by such Commissioners, or for interrupting in such Court the said Commissioners or Commissioner in the Exercise of their or his Duty, shall be respectively in the Forms or to the Effect in Schedules (F.) and (G.) respectively; and every Messenger or other Person against whom any Action shall be brought for anything done in executing any Warrant of the said Commissioners may plead the General Issue, and give the said Warrant and the special Matter in Evidence: Provided also, that if any Person so committed shall sue forth any Writ of Habeas Corpus in order to be discharged from such Commitment, it shall be lawful for the Court or Judge before whom such Person shall be brought (if thereto required by the Person committed, or by the Assignee of the Bankrupt's Estate,) to inspect and consider the whole of the Examination of such Person so referred to as aforesaid, and if it shall appear from the whole Examination that the Answer or Answers of the Person committed is or are satisfactory, such Court or Judge shall and may order the Person so committed to be discharged.

Warrant of Committal for unsatisfactory answering or refusing to answer need not specify Questions.

Copy of the Examination to be furnished to the Person committed.

L. And

Obstructing the Messenger, &c., a Misdemeanor.

L. And be it enacted, That if any Person shall knowingly and wilfully resist, hinder, or obstruct any Messenger of the said Commissioners in the Execution of his Duty as such Messenger, every such Person so offending shall be deemed guilty of a Misdemeanor, and, being thereof duly convicted, shall be liable to such pecuniary Fine and Imprisonment, with or without hard Labour, as the Court before which such Conviction shall be had may judge fit.

Commissioner may order Release of Bankrupt who may be in Prison at Time of obtaining Protection.

LI. And whereas it occasionally happens that Persons in Prison for Debt who have been adjudged Bankrupts, and who have surrendered under the Commission issued against them, are nevertheless detained in Prison during the Proceedings under the Commission, which occasions great Inconvenience, and it also occasionally happens that Bankrupts whose Certificates have been refused are taken in Execution by Creditors who have not proved their Debts under the Commission, and are detained in Prison, and it is expedient to empower the said Commissioners of Bankrupt to release such Persons, if they shall think fit: Be it enacted, That where any Person has been adjudged bankrupt, and has surrendered under the Commission issued against him and obtained his Protection from Arrest, pursuant to the Practice in Bankruptcy, if such Person shall be in Prison for Debt at the Time of his obtaining such Protection, the Commissioners or Commissioner acting under such Commission may order his immediate Release from Prison, either absolutely or upon such Condition as such Commissioner shall think fit: Provided always, that such Release shall in nowise affect any Rights of the Creditor at whose Suit he may be in Prison against the Debtor, except the Right of detaining him in Prison whilst protected from Imprisonment by Order of the Commissioners or Commissioner.

Commissioner may order Release of Bankrupt in execution under a Ca. Sa., after a certain Term of Imprisonment.

LII. And be it enacted, That if any Bankrupt whose last Examination shall have been adjourned *sine Die*, or whose Certificate shall have been suspended or refused, shall be in Execution or taken in Execution under a Capias ad satisfaciendum at the Suit of any Creditor who might have proved under the Commission, and be detained in Prison, the said Commissioners or Commissioner may order his Release, after he shall have undergone such Term of Imprisonment, not exceeding One Year, as to such Commissioners or Commissioner may seem a sufficient Punishment for such Offences as he may appear to such Commissioner to have been guilty of.

Prosecution against Bankrupt for any Offence under this Act may be

LIII. And be it enacted, That it shall be lawful for the Commissioners or Commissioner authorized to act in the Prosecution of any Commission of Bankrupt issued after the Commencement of this Act, upon the Request in Writing of at least Three Creditors (not being Partners)

Partners) who shall have respectively proved Debts of the Amount of Fifty Pounds or upwards under such Commission, to direct the Assignees of the Bankrupt named in such Commission, if he shall be suspected of or charged with the Commission of any of the Offences specified in this Act, to institute and carry on a Prosecution of such Bankrupt for such Offence, and to order the Costs and Expenses to be incurred in such Prosecution to be paid out of the Estate and Effects of the said Bankrupt, and such Assignees shall thereupon institute and carry on such Prosecution; and in case the said Assignees shall refuse or neglect to institute and carry on to Conviction such Prosecution, having no lawful or reasonable Impediment made known to and allowed by the said Commissioner or Commissioners, the said Commissioner or Commissioners may order the same to be instituted and carried on by the Creditors making such Request as aforesaid, as the said Commissioner or Commissioners may think fit.

ordered by the Commissioner acting in the Prosecution of the Commission.

LIV. And be it enacted, That every Bankrupt who shall have duly surrendered, and in all things conformed himself to the Laws in force at the Time of issuing the Commission against him, shall be discharged from all Debts due by him when he became bankrupt, and from all Claims and Demands made proveable under the Commission, in case he shall obtain a Certificate of such Conformity, so signed and allowed and subject to such Provisions as herein-after mentioned; and no Certificate of such Conformity by any such Bankrupt shall release or discharge such Bankrupt from such Debts, Claims, or Demands, unless such Certificate shall be obtained, allowed, and conformed according to such Provisions: Provided always, that no such Certificate shall release or discharge any Person who was Partner with such Bankrupt at the Time of his Bankruptcy, or was then jointly bound or had made any joint Contract with such Bankrupt; provided also, that nothing herein contained shall affect the Validity of any Certificate allowed by the Lord Chancellor previous to the Commencement of this Act.

Bankrupt may be discharged by Certificate of Conformity in manner herein-after prescribed.

Discharge of Bankrupt not to release or discharge a Partner or Person jointly bound.

LV. Provided always, and be it enacted, That no Bankrupt shall be entitled to such Certificate, and that any such Certificate, if obtained, shall be void, if such Bankrupt shall have lost by any Sort of gaming or wagering in One Day Twenty Pounds, or within One Year next preceding his Bankruptcy Two hundred Pounds, or if he shall, within One Year next preceding his Bankruptcy, have lost Two hundred Pounds by any Contract for the Purchase or Sale of any Government or other Stock, where such Contract was not to be performed within One Week after the Contract, or where the Stock bought or sold was not actually transferred or delivered in pursuance of such Contract, or if such Bankrupt shall after an Act of Bankruptcy,

Bankrupt not entitled to Certificate if he has lost by gaming 20*l.* in One Day, or 200*l.* within One Year, or 200*l.* by Stock Jobbing, or concealed or destroyed Books, &c., or made fraudulent Entries.

or concealed any Property, or permitted fictitious Debts to be proved.

ruptcy, or in contemplation of Bankruptcy, or with Intent to defeat the Object of this or any other Statute relating to Bankrupts, have concealed, destroyed, altered, mutilated, or falsified, or caused to be concealed, destroyed, altered, mutilated, or falsified, any of his Books, Papers, Writings, or Securities, or made or been privy to the making any false or fraudulent Entry in any Book of Account or other Document, with Intent to defraud his Creditors, or shall have concealed any Part of his Property, or if any Person having proved a false Debt under the Commission, such Bankrupt being privy thereto or afterwards knowing the same, shall not have disclosed the same to his Assignees within One Month after such Knowledge.

Mode of obtaining Certificate of Conformity.

LVI. And be it enacted, That it shall be lawful for the Commissioners authorized to act in the Prosecution of any Commission of Bankrupt heretofore issued or hereafter to be issued, or One of them, on the Application of the Bankrupt named in the Commission, to appoint a public Sitting for the Allowance of such Certificate to the Bankrupt named in such Commission, (whereof and of the Purport whereof Twenty-one Days Notice shall be given in the *Dublin Gazette* and to the Solicitor of the Assignees,) and at such Sitting any of the Bankrupt's Creditors may be heard against the Allowance of such Certificate, but it shall not be requisite for such Certificate to be signed by any of the Creditors of such Bankrupt; and such Commissioners or Commissioner, having regard to the Conformity of the Bankrupt to the Laws relating to Bankrupts, and to the Conduct of the Bankrupt as a Trader before as well as after his Bankruptcy, shall judge of any Objection either then made or appearing on the Proceedings against allowing such Certificate, and either find the Bankrupt entitled thereto, and allow the same, or refuse or suspend the Allowance thereof, or annex such Conditions thereto as the Justice of the Case may require: Provided always, that no Certificate shall be such Discharge unless such Commissioners or Commissioner shall, in Writing under Hand and Seal, certify to the Lord High Chancellor of *Ireland* that such Bankrupt has made a full Discovery of his Estate and Effects, and in all things conformed as aforesaid, and that there does not appear any Reason to doubt the Truth or Fulness of such Discovery, and unless the Bankrupt make Oath in Writing that such Certificate was obtained fairly and without Fraud, and unless the Allowance of such Certificate shall, after such Oath, be confirmed by the Lord Chancellor, against which Confirmation any of the Creditors of the Bankrupt may be heard.

Certificate not to be a Discharge unless the Commissioner certify a full Conformity.

Contracts or Securities to induce Creditors to forbear Opposition to be void.

LVII. And be it enacted, That any Contract or Security made or given by any Bankrupt or other Person unto or in trust for any Creditor, or for securing the Payment of any Money due by such Bankrupt at his Bankruptcy, as a Consideration or with Intent to



persuade

persuade such Creditor to forbear opposing or to consent to the Allowance or Confirmation of such Certificate, shall be void, and the Money thereby secured or agreed to be paid shall not be recoverable, and the Party sued on such Contract or Security may plead the General Issue, and give this Act and the special Matter in Evidence; and the Certificate obtained by any Bankrupt who shall have made or given or been party or privy to the making or giving any such Contract or Security shall be absolutely null and void.

Penalty for obtaining Money, Goods, &c. as an Inducement to forbear Opposition or consenting to Allowance or Confirmation of Certificate.

LVIII. And be it enacted, That if any Creditor of a Bankrupt shall obtain any Sum of Money, or any Goods, Chattels, or Security for Money, from any Person, as an Inducement for forbearing to oppose or for consenting to the Allowance or Confirmation of the Certificate of such Bankrupt, every such Creditor so offending shall forfeit and lose for every such Offence the Treble Value or Amount of such Money, Goods, Chattels, or Security so obtained, (as the Case may be,) to be recovered as herein-after provided; and the Certificate obtained by any Bankrupt who shall have given or caused to be given, or been party or privy to giving, any Sum of Money, or any Goods, Chattels, or Security for Money, for any of the Purposes above mentioned, shall be absolutely null and void.

Bankrupt having obtained his Certificate free from Arrest.

Certificate to be Evidence of the Bankruptcy and Proceedings.

Bankrupts in Execution may be ordered to be discharged.

LIX. And be it enacted, That any Bankrupt who shall, after such Certificate shall have been confirmed, be arrested, or have any Action brought against him, for any Debt, Claim, or Demand proveable under the Commission against such Bankrupt, shall be discharged, upon entering an Appearance, and may plead in general that the Cause of Action accrued before he became bankrupt, and may give this Act and the special Matter in Evidence; and such Bankrupt's Certificate, and the Confirmation thereof, shall be sufficient Evidence of the Trading, Bankruptcy, Commission, and other Proceedings precedent to the obtaining such Certificate; and if any such Bankrupt shall be taken in Execution or detained in Prison for such Debt, Claim, or Demand, where Judgment has been obtained before the Confirmation of his Certificate, it shall be lawful for any Judge of the Court wherein Judgment has been so obtained, on such Bankrupt producing his Certificate, to order any Officer who shall have such Bankrupt in Custody by virtue of such Execution to discharge such Bankrupt, without exacting any Fee, and such Officer shall be hereby indemnified for so doing.

Bankrupt not liable upon any Promise to pay Debt discharged by Certifi-

LX. And be it enacted, That no Bankrupt, after such Certificate shall have been confirmed, shall be liable to pay or satisfy any Debt, Claim, or Demand for which he shall have been discharged by virtue of such Certificate, or any Part of such Debt, Claim, or Demand,

cate, unless such Promise be in Writing.

Demand, upon any Contract, Promise, or Agreement made or to be made after the suing out of said Commission, unless such Contract, Promise, or Agreement be made in Writing, signed by the Bankrupt, or by some Person thereto lawfully authorized in Writing by such Bankrupt.

Allowance to Bankrupts.

LXI. And be it enacted, That every Bankrupt who shall have obtained his Certificate under any Commission issued after the Commencement of this Act, if the net Produce of his Estate in hand shall by any Order of Dividend (with or without prior Dividend) pay the Creditors who before or at the Time of making such Order have proved Debts under the Commission Ten Shillings in the Pound, shall be allowed and paid Five Pounds *per Centum* out of such Produce, provided such Allowance shall not exceed Four hundred Pounds; and every such Bankrupt, if such Produce shall, with or without prior Dividend, pay such Creditors Twelve Shillings and Sixpence in the Pound, shall be allowed and paid as aforesaid Seven Pounds Ten Shillings *per Centum*, provided such Allowance shall not exceed Five hundred Pounds; and every such Bankrupt, if such Produce shall, with or without prior Dividend, pay such Creditors Fifteen Shillings in the Pound or upwards, shall be allowed and paid as aforesaid Ten Pounds *per Centum*, provided such Allowance shall not exceed Six hundred Pounds; and provided always, that such Allowance as aforesaid shall not be payable to any Bankrupt until after the Expiration of Twelve Months from the Date of the Commission, and such Allowance shall then be payable only in the event of the Dividends paid to the Creditors who at any Time before the Expiration of such Twelve Months shall have proved Debts under the Commission being of the requisite Amount in that Behalf aforesaid, and shall not be payable to any Bankrupt who shall not have been a Trader for at least Twelve consecutive Months before the Date of the Commission; and if at the Expiration of Twelve Months from the Date of the Commission the Dividends paid as aforesaid shall not amount to Ten Shillings in the Pound, or if no Dividend shall have been ordered or paid, it shall be lawful for the Commissioners or Commissioner to allow any Bankrupt, whether he shall or shall not have been a Trader for Twelve Months before the Date of the Commission, so much as the Assignees and Commissioners shall think fit, not exceeding Three Pounds *per Centum*, or Three hundred Pounds.

Allowance not payable till Twelve Months after Date of Commission, and not to be payable to any Bankrupt who has not been a Trader for 12 Months.

Allowance, if at Expiration of 12 Months Dividend paid be under 10s., &c.

One Partner may receive Allowance, though others not entitled.

LXII. And be it enacted, That in all joint Commissions under which any Partner shall have obtained his Certificate, if a sufficient Dividend shall have been paid upon the joint Estate and upon the separate Estate of such Partner, he shall be entitled to his Allowance, although his other Partner may not be entitled to any Allowance.

LXIII. And

LXIII. And be it enacted, That upon all Debts or Sums certain whereupon Interest is not reserved or agreed for, overdue at the issuing of the Commission of Bankruptcy, and proveable thereunder, and payable at a certain Time or otherwise, the Creditors shall be entitled to prove for Interest, to be calculated to the Date of the Commission of Bankruptcy, at a Rate not exceeding the current Rate of Interest, from the Time when such Debts or Sums certain were payable, if such Debts or Sums be payable by virtue of some written Instrument at a certain Time, or, if payable otherwise, then from the Time when Demand of Payment shall have been made in Writing, so as such Demand shall give Notice to the Debtor that Interest will be claimed from the Date of such Demand until the Time of Payment.

Interest upon Debts when proveable, though not reserved or agreed for.

LXIV. And be it enacted, That at least Eight Days before the Day appointed for the final Examination of any Bankrupt he shall, in addition to the Copy of his Schedule which he shall have furnished to the Assignee, furnish to and deposit with the Registrars of the Court of Bankruptcy a Duplicate Copy of said Schedule; and such Copy shall be produced by the said Registrars, at such Time and Place as the said Commissioners shall by any General Rule or Order direct, to any Person applying for Liberty to peruse same, and paying to the said Registrars for such Liberty a Fee of One Shilling.

Duplicate Copy of Schedule deposited with the Registrars by Bankrupt before final Examination, and open to Inspection.

LXV. And be it enacted, That when and so soon as the Proceedings under any Commission shall cease, whether by a final Dividend being struck, or the Commission being superseded, or otherwise, the Assignees and Agent to such Commission, or such of them as shall have the Custody of the same, shall thereupon deposit with the Registrars of the said Court of Bankruptcy the File of Proceedings under such Commission, and such File shall from Time to Time thereafter be produced for Inspection or Perusal to said Assignees and Agent, or to such other Person only as the said Commissioners or Commissioner shall order or direct; and for every such Production thereof the said Registrars shall be entitled to a Fee of One Shilling; and said Registrars and each of them shall be responsible for the safe keeping of all Files so deposited with them.

When Proceedings cease, File to be deposited with the Registrars.

LXVI. And be it enacted, That the Registrars of the Court of Bankruptcy, and their Successors, who shall be from Time to Time appointed by the Lord Chancellor as a Vacancy shall arise, shall continue in their respective Offices so long as they shall respectively behave themselves well, and shall not be removed, except by

Registrars of Court of Bankruptcy to hold Office during good Behaviour.

Writing under the Hand of the Lord Chancellor, on sufficient Cause therein specified.

Commissioners may permit Mortgagees to bid at Sale.

LXVII. And be it enacted, That the said Commissioners or Commissioner of Bankrupt may, in their or his Discretion, permit any Mortgagee to bid at any Sale of the mortgaged Premises which shall take place before the said Commissioners or Commissioner.

Goods seized under Attachments shall be delivered up.

LXVIII. And be it enacted, That all Goods and Chattels of any Bankrupt which shall at the Date and issuing of the Commission against him be under Seizure by virtue of any Attachment shall, upon Demand, be delivered up by all Persons having the Custody of same to any Person appointed by said Commissioners or either of them, or to the Assignee or Assignees of the Bankrupt's Estate.

Before whom Affidavits are to be sworn.

LXIX. And be it enacted, That all Affidavits to be made or used in Matters of Bankruptcy, or under or by virtue of any Statute relating to Bankrupts, or of this Act, shall and may be sworn before the Commissioners of Bankrupt, or One of them, or before either of the Registrars of the Court of Bankruptcy in *Ireland*, or before any Master in Ordinary of the High Court of Chancery in *Ireland*, or before the Examiner of any such Master in Ordinary, or before any Master Extraordinary of the High Court of Chancery in *Ireland*, or, in *England* or *Scotland*, before any Commissioner appointed by the Court of Chancery in *Ireland* for taking Affidavits in *England* or *Scotland* or any Part thereof, or before a Magistrate of the County, City, Town, or Place where any such Affidavit shall be sworn, or elsewhere before a Magistrate, and attested by a Notary, or before a *British* Minister, Consul, or Vice Consul.

Rules to be made for regulating the Forms of Proceedings and Practice to be observed in prosecuting Commissions.

LXX. And be it enacted, That it shall be lawful for the Commissioners of Bankrupt, acting together, to make from Time to Time, subject to the Sanction and Confirmation of the Lord Chancellor, General Rules and Orders for regulating the Forms of Proceedings (where not provided for by this Act) and the Practice to be observed in the Prosecution of Commissions of Bankrupt or other Proceedings under this Act, and from Time to Time to amend and vary the same, subject to such Sanction and Confirmation.

Warrants to be under Hand and Seal; and every Summons to be in Writing

LXXI. And be it enacted, That every Warrant issued by any Commissioner authorized to act in the Prosecution of any Commission of Bankrupt shall be under the Hand and Seal of One of the Commissioners acting in the Prosecution of such Commission; and every Summons

Summons issued by any such Commissioner shall be in Writing under the Hand of One of such Commissioners.

under the Hand of a Commissioner.

LXXII. And be it enacted, That if in any Case it shall be shown by Affidavit, to the Satisfaction of the Commissioners or Commissioner authorized to act in the Prosecution of any Commission of Bankrupt, by whom, or One of them, any Notice, Order, or Summons shall have been issued, that the Party to whom such Summons is directed is keeping out of the way, and cannot be personally served with such Notice, Order, or Summons, and that due Pains have been taken to effect such personal Service, it shall be lawful for such Commissioners or Commissioner to order, by Indorsement upon such Notice, Order, or Summons, that the Delivery of a Copy of such Notice, Order, or Summons to the Wife or Servant or some adult Inmate of the House or Family of the Party at his usual or last known Place of Abode or Business, and explaining the Purport thereof to such Wife, Servant, or Inmate, shall be equivalent to personal Service; and in every such Case the Service of such Notice, Order, or Summons in pursuance of such Order shall be and be deemed and taken to be of the same Force and Effect to all Intents and Purposes as if a Copy of such Notice, Order, or Summons had been delivered to the Party in Person.

How Summons may be served where the Party is keeping out of the way.

LXXIII. And be it enacted, That any Bankrupt or other Person who shall upon any Examination upon Oath or Affirmation before the Commissioners or Commissioner authorized to act in the Prosecution of any Commission of Bankrupt, or in any Affidavit or Deposition or solemn Affirmation authorized or directed by this or any other Act relating to Bankrupts, wilfully and corruptly give false Evidence, or wilfully and corruptly swear or affirm anything which shall be false, being convicted thereof, shall be liable to the Penalties of wilful and corrupt Perjury.

Punishment of Persons giving false Evidence, or swearing or affirming anything which shall be false.

LXXIV. And be it enacted, That all Sums of Money forfeited under this Act, or by virtue of any Conviction for Perjury committed in any Oath hereby directed or authorized, may be sued for by the Assignees of the Estate and Effects of any Bankrupt in any of Her Majesty's Superior Courts of Record; and the Money so recovered (the Charges of Suit being deducted) shall be divided among the Creditors.

Application of Forfeitures.

LXXV. And be it enacted, That all Bills of Fees and Disbursements of any Solicitor or Attorney employed under any Commission of Bankrupt, for Business done under such Employment, shall be taxed and ascertained by the Registrars of the Court of Bankruptcy, or

All Bills of Solicitors and Attorneys to be taxed by One of the Registrars of the Court of

Bankruptcy, subject to Review.

or One of them, subject to Review of One of the Commissioners of Bankrupt: Provided always, that so much of such Bills as contain any Charge respecting any Action at Law or Suit in Equity shall be taxed and ascertained by the proper Officer of the Court in which such Business shall have been transacted.

Bills of Auctioneers, Appraisers, Valuers, and Accountants to be settled in the same Manner.

LXXVI. And be it enacted, That all Bills of Charges, Fees, and Disbursements of any Auctioneer, Appraiser, Broker, Valuer, or Accountant employed by any Assignee or Messenger under any Commission of Bankrupt, for Business done under such Employment, shall be settled by the Registrars of the Court of Bankruptcy, or One of them, subject to Review in the same Manner as aforesaid relating to Bills of Solicitors and Attorneys, and the Amount of the Bills so settled, and no more, shall be paid to or recoverable by such Auctioneer, Appraiser, Broker, Valuer, or Accountant.

Power to Commissioner, with Consent of Creditors, to remove Creditors Assignee, and appoint another in his Stead.

LXXVII. And be it enacted, That it shall be lawful for the Commissioners of Bankrupt, or One of them, when he or they shall think fit so to do, upon the Application of any Creditor, to appoint a public Sitting, by Notice in the *Dublin Gazette* requiring the Creditors to attend and vote as to the Removal or Continuance of any Assignee of the Bankrupt's Estate and Effects previously chosen by the Creditors; and at the Sittings so appointed, or any Adjournment thereof, all the Creditors who have proved Debts under the Commission to the Amount of Ten Pounds or upwards shall be entitled to vote, and also any Person authorized by Letter of Attorney from any such Creditor or Creditors, upon Proof, by an Affidavit duly sworn, of the Execution thereof; and in case the major Part in Value of the said Creditors present at such Sitting vote for the Removal of such Assignee, the said Commissioners, or One of them, shall have Power to remove such Assignee, and to proceed to the Choice and Appointment of a new Assignee or Assignees in the Room and Stead of the Assignee or Assignees so removed, in like Manner as if such Assignee had been removed by Order of the Lord Chancellor.

Personal and Real Estate of Bankrupt to vest in the new Assignee by virtue of Appointment 6 & 7 W. 4 c. 14.

LXXVIII. And be it enacted, That all such and the like Rights and Powers, all such Real and Personal Estate, as are by a certain Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Laws relating to Bankrupts in* Ireland, given to or declared to vest in a new Assignee appointed in the Stead of any removed Assignee, shall by virtue of such Choice and Appointment as aforesaid, and without any Deed of Assignment or Conveyance being necessary for that Purpose, be possessed, enjoyed, and vested in the new Assignee



chosen

chosen and appointed in the Stead of the Assignee removed by the said Commissioners, except so far as is otherwise provided by this Act; and the Person who has been removed from being Assignee shall be bound to account as fully, and to obey the Orders of the said Commissioners as fully and effectually, and be liable to all the like Pains and Penalties, as if he still continued Assignee.

The removed Assignee shall fully account.

LXXIX. And be it enacted, That whenever, upon the Death or Removal of any Assignee, a new Assignee shall be chosen and appointed, no Action, Suit, or other Proceeding, at Law or in Equity, shall be thereby abated, but the Court in which any Action, Suit, or Proceeding shall be depending shall and may, upon the Suggestion of such Death or Removal and new Choice, allow the Name or Names of the new Assignee or Assignees to be substituted in the Place of the former, and such Action, Suit, or Proceeding shall be prosecuted or carried on by or against and in the Name or Names of the said new Assignee or Assignees, in the same Manner as if he or they had originally been a Party or Parties thereto.

Actions or Suits not to be abated by Removal of Assignees.

LXXX. And be it enacted, That it shall be lawful for the Commissioners of Bankrupt to order when, and by whom, and to whom the Costs of any Proceedings had or taken in the Court of Bankruptcy, or of any Matter therein, or of any Proceedings under or in pursuance of any Order of the said Commissioners, shall be paid; and the Commissioner may order, if he think fit, that any Person or Witness apprehended or brought up under any Warrant of the Commissioners or either of them shall pay the Costs of and incident to apprehending him and bringing him up, and that he be detained in Custody till the same shall have been paid, or till he be discharged by Order of the said Commissioner or of some other competent Court.

Costs may be awarded by Commissioner of Bankrupt.

Persons brought up by Warrant may be ordered to pay the Costs of bringing them up.

LXXXI. And be it enacted, That all Orders of the said Commissioners of Bankrupt or either of them, whereby any Sum of Money, or any Costs, Charges, or Expenses, shall be payable, shall and may be enforced as if the same were Orders of the High Court of Chancery in *Ireland* by Writs sued out of the said Court of Chancery, and returnable therein in such Form as Writs used to enforce Decrees or Orders of the said Court of Chancery, or as near thereto as may be, or in such Form as the Lord Chancellor shall from Time to Time think fit to order; and the Execution of such Writs shall be enforced in such and the same Manner as the Execution of Writs of Execution is now enforced, or as near thereto as the Circumstances of the Cases will admit.

Orders of Commissioners of Bankrupt for Payment of Money or Costs to be enforced by Writs out of Chancery.

Persons capable of giving Evidence respecting Trading or Act of Bankruptcy, or suspected of having Bankrupt's Property, and being in Prison, may be brought for Examination under Warrant from Commissioners of Bankrupt.

LXXXII. And be it enacted, That when any Person believed capable of giving any Information concerning the Trading or any Act of Bankruptcy committed by the Person against whom any Commission is issued, or any Person known or suspected to have any of the Estate of a Bankrupt in his Possession, or to be indebted to the Bankrupt, or to be capable of giving Information concerning the Person, Trade, Dealing, or Estate of a Bankrupt, is in Prison or in Custody under any Process, Attachment, Execution, Commitment, or Sentence, the said Commissioners of Bankrupt, or One of them, may, by Warrant under their or his Hand, directed to the Party in whose Custody such Person is confined, cause such Person to be brought before them at any Sitting for Examination, and such Warrant of the said Commissioners, or One of them, shall be lawful Authority for bringing up such Person.

Bankrupts in Custody in England or Scotland or Ireland to be brought before the Commissioners.

LXXXIII. And be it enacted, That whenever any Bankrupt is in Prison or in Custody, in *England*, in *Scotland*, or in *Ireland*, under any Process, Attachment, Execution, Commitment, or Sentence, the said Commissioners, or One of them, may, by Warrant under their or his Hand, directed to the Person in whose Custody such Bankrupt is confined, cause such Bankrupt to be brought before them, or One of them, at any Sitting; and if any such Bankrupt is desirous to surrender, he shall be so brought up, and the Expense thereof shall be paid out of his Estate, and such Warrant of the said Commissioners or Commissioner shall be a lawful Authority for bringing up such Bankrupt.

Depositions, &c. under Commissions may be entered of Record, without Order of Lord Chancellor being necessary.

LXXXIV. And be it enacted, That all or any Part of any Depositions, Proceedings, or other Matters relating to Commissions of Bankruptcy shall, with the Permission in Writing of the said Commissioners of Bankrupt, or One of them, upon the Application or Behalf of any Person interested therein, and on Payment of such Fees as before the passing of this Act were by Law payable for the like Business, without any Petition presented for that Purpose, and without any Order of the Lord Chancellor, be entered of Record in like Manner as same have hitherto been entered of Record upon an Order of the Lord Chancellor made in that Behalf; and on the Production in Evidence of any Instrument so entered of Record, having a Certificate thereon purporting to be signed by the Person heretofore appointed to enter such and the like Proceedings, or by his Deputy, or their Successors, the same shall, without any Proof of such Signature, be received as Evidence of such Instrument having been so entered of Record as aforesaid; and the Fee of One Shilling, and no more, shall be payable to the Person so appointed as aforesaid, and his Successors, for every Search made for Matter so entered of Record as aforesaid.

Certificate of Entry endorsed to be Evidence of the Entry.

Fee of 1*s.* payable on Search for any such Record.



LXXXV. And

LXXXV. And be it enacted, That if, after a Commission issued against One or more Members of a Firm, any other Commission or Commissions shall be issued against any other Member or Members of such Firm, immediately after the Adjudication under such other Commission or Commissions, all the Estate, Real and Personal, of such Person or Persons declared bankrupt under such other Commission or Commissions, shall become vested in and transferred to the Assignees under the First Commission or Commissions, in the same Manner as if they had been appointed Assignees under such other Commission or Commissions, according to the Provisions of this Act or any other Act in force concerning Bankrupts, and all separate Proceedings under such other Commission or Commissions shall be stayed, and such other Commission or Commissions shall, without affecting the Validity of the First Commission, be annexed to and form Part of the same: Provided always, that the Lord Chancellor may direct such other Commission or Commissions to be proceeded on either separately or in conjunction with the First Commission.

Where Second or other Commission is issued against One or more Partners, Proceedings under Second Commission shall be stayed, and form Part of First Commission, if Chancellor so order.

LXXXVI. And be it enacted, That at any Meeting of Creditors after the Schedule of a Bankrupt shall have been furnished, and placed on the File of Proceedings, (of which Meeting, and of the Purport of which, Notice shall be given as herein-after directed,) if the Bankrupt or his Friends shall make an Offer of Composition or Security for such Composition, which Three Fifths in Number and Value of the Creditors assembled at such Meeting (personally or by some Person authorized to vote by Letter of Attorney), and who shall have proved a Debt amounting to at least Twenty Pounds, shall agree to accept, another Meeting for the Purpose of deciding upon such Offer shall be appointed, whereof such Notice as is herein-after directed shall be given; and if at such Second Meeting Three Fifths in Number and Value of the Creditors then present, or represented by Attorney, and who have proved Debts as aforesaid, shall also agree to accept such Offer, the Lord Chancellor shall and may (upon such Acceptance being testified by them in Writing, and the Acceptance thereof, and that Notice of each of such Meetings was duly given, certified by the said Commissioners of Bankrupt or One of them,) supersede the said Commission.

Three Fifths in Number and Value of Creditors of Bankrupt may accept a Composition.

LXXXVII. And be it enacted, That in deciding upon such Offer as aforesaid any Creditor whose Debt is below Twenty Pounds shall not be reckoned in Number, but the Debt due to such Creditor shall be computed in Value; and if any Creditor shall agree to accept any Gratuity or higher Composition for assenting to such Offer he shall forfeit the Debt due to him, together with such Gratuity or Composition; and the Bankrupt shall (if thereto required) make Oath before

Mode of voting in deciding upon such Composition.

before the Commissioner that there has been no such Transaction between him, or any Person with his Privity, and any of the Creditors, and that he has not used any undue Means or Influence with any of them to obtain such Assent as aforesaid.

How Notice shall be given to the Creditors.

LXXXVIII. And be it enacted, That Notice of each of such Meetings shall be inserted in the *Dublin Gazette* Twenty-one Days before the Day of Meeting; and a Copy of such Notice shall be served Twenty-one Days at least before the Day of Meeting upon every Schedule Creditor, as well as upon every Creditor who has proved a Debt, and who shall be resident in *Dublin* or within Ten Miles thereof, or whose Debt shall amount to One hundred Pounds or upwards, wheresoever resident; and Notice to every Creditor whose Debt shall not amount to One hundred Pounds, and who shall not be resident in *Dublin* or within Ten Miles thereof, shall be given by Advertisement in the *Dublin Gazette* as aforesaid, and by sending, addressed to every such last-mentioned Creditor, by the General Post, pre-paid, a true Copy of each such Notice, Twenty-three Days at least before the Day appointed for such Meeting, the Address and Delivery of which Copies respectively at the Post Office into which the same respectively shall be put being verified by the Affidavit of an Attorney of One of Her Majesty's Courts of Law at *Dublin*, and the Name and Address of the Attorney sending the same being inserted at Foot of every such Copy.

Creditors who have received Notice bound to accept the Composition agreed to.

LXXXIX. And be it enacted, That every Creditor named in the Schedule of the Bankrupt (to whom Notice of each of such Meetings shall have been given in manner herein-before provided), and whether he shall or shall not have proved his Debt under the Commission, shall be bound to accept of such Composition so agreed to.

Any Debtor unable to meet his Engagements with his Creditors, and unable to obtain their Consent to a Deed of Composition, may, with the Concurrence of Two Thirds in Number and Value, petition the Commissioners.

XC. And whereas it is desirable to facilitate Arrangements between Debtors and their Creditors: Be it enacted, That any Debtor unable to meet his Engagements with his Creditors, and unable to obtain the Consent of the whole of his Creditors to any Deed of Composition, may, with the Concurrence of Two Thirds in Number and Value of his Creditors (testified by their signing his Petition), present a Petition to the said Commissioners of Bankrupt, setting forth a full Account of his Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of his Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property, of what Kind soever, held in trust for him, and also setting forth that he is unable to meet his Engagements with his Creditors, and the true Cause of such Inability, and

and that he is unable to obtain the Consent of all his Creditors to a Composition, and setting forth such Proposal as he is able to make for the future Payment or the Compromise of such Debts or Engagements, and that Two Thirds in Number and Value of his Creditors have assented to such Proposal, and praying that such Proposal (or such Modification thereof as by the Majority of his Creditors shall be determined) shall be carried into effect under the Superintendence and Control of the said Commissioners, and that he may in the meantime be protected from Arrest.

Petition to be in Form in Schedule (I.), and supported by Affidavit.

XCI. And be it enacted, That every such Petition shall be in the Form in Schedule (I.), and be filed with the Registrars of the said Court of Bankruptcy, and the Date of filing shall be endorsed thereon, and there shall be filed therewith an Affidavit in the Form in Schedule (K.); and on filing of each of such Documents there shall be paid to the said Registrars a Fee of Five Shillings.

Commissioners privately to examine into Matter of Petition, and if satisfied may allow the same de bene esse, and appoint Meeting of Creditors, and may grant Protection during Examination, and after Allowance de bene esse of Petition.

XCII. And be it enacted, That upon the filing of any such Petition the said Commissioners, or One of them, shall privately examine into the Matter thereof, and for that Purpose shall have Power to summon and examine upon Oath such Petitioning Debtor, or any Creditor concurring in his Petition, or any Witness produced by him, or any Person claiming to be a Creditor of such Petitioning Debtor, or any other Person or Persons whom it shall appear advisable to examine; and if the Commissioner shall be satisfied of the Truth of the several Matters alleged in such Petition, and that the Debts of such Petitioning Debtor have not been contracted by reason of any Manner of Fraud or Breach of Trust, or without reasonable Probability at the Time of Contract of being able to pay the same, or by reason of any Judgment in any Prosecution for Breach of the Revenue Laws, or in any Action for Breach of Promise of Marriage, Seduction, Criminal Conversation, Libel, Slander, Assault, Battery, Malicious Arrest, Malicious Prosecution of a Bankruptcy, or Malicious Trespass, and that such Petitioning Debtor has made a full Disclosure of his Debts and Credits, Estate and Effects, and is desirous of making a *bonâ fide* Arrangement with all his Creditors, and that his Proposal to that Effect is reasonable and proper to be executed under the Direction of the said Commissioners, it shall be lawful for the said Commissioners, or One of them, to allow such Petition *de bene esse*, and in such Case the said Commissioners or Commissioner shall cause Notice of the filing of such Petition, and of the Allowance thereof *de bene esse*, to be advertised in the *Dublin Gazette*, and to direct that a Meeting of all the Creditors of such Petitioning Debtor shall be held, at such Time and Place as the said Commissioners or Commissioner shall appoint, and Notice of such Meeting shall be given to

every such Creditor not less than Twenty-one Days before the same is held, such Notice to be sent or given in manner herein-after directed.

How Notice shall be given to the Creditors.

XCIII. And be it enacted, That Notice of such Meeting shall be inserted in the *Dublin Gazette* Twenty-one Days before the Day of Meeting, and a Copy of such Notice shall be served Twenty-one Days at least before the Day of Meeting upon every Creditor who shall be resident within Ten Miles of the Town or Place where the Petitioning Debtor last carried on Trade or Business, or whose Debt shall amount to One hundred Pounds or upwards, wheresoever resident; and Notice to every Creditor whose Debt shall not amount to One hundred Pounds, and who shall not be resident within Ten Miles of the Place of Business of the Petitioning Debtor, shall be given by Advertisement in the *Dublin Gazette* as aforesaid, and by sending, addressed to every such last-mentioned Creditor, by the General Post, pre-paid, a true Copy of each such Notice, Twenty-three Days at least before the Day appointed for such Meeting, the Address and Delivery of which Copies respectively at the Post Office into which the same respectively shall be put being verified by the Affidavit of an Attorney of One of Her Majesty's Courts of Law at *Dublin*, and the Name and Address of the Attorney sending the same being inserted at Foot of every such Copy.

Commissioner to examine into Matter of Petition.

If Resolution of Creditors not confirmed, Petition shall be dismissed, and Protection cease.

XCIV. And be it enacted, That the said Commissioners, or One of them, both during the Examination into the Matter of the Petition and after the Allowance thereof *de bene esse*, shall have Power to grant such Petitioning Debtor Protection from Arrest for such Time as the said Commissioners or Commissioner shall think fit; and if it shall appear to the said Commissioners or Commissioner, on such Examination into the Matter of the Petition, or at any Time before the Confirmation by the said Commissioners or Commissioner of the Resolution of Creditors, as herein-after provided, that such Petition is within any of the Terms of Disqualification above mentioned, or if the Proposal of the Petitioner, or some Modification thereof, be not agreed to by the required Number of Creditors at the Meetings, and in manner herein provided and approved of, and confirmed by the said Commissioners, or One of them, such Petition shall be dismissed, and any Protection granted to the Petitioner shall thereby cease and determine.

Commissioners may renew Protection, and if Petitioning Debtor be in

XCV. And be it enacted, That the said Commissioners or Commissioner may renew such Protection from Time to Time as they or either of them shall think fit, and if the Petitioning Debtor be in Prison or in Custody for Debt may order his immediate Release,



or

or may, by Warrant under their or his Hand, directed to the Person in whose Custody such Petitioning Debtor is confined, cause such Petitioning Debtor to be brought before them, or One of them, at any Sitting, or before the Person presiding at any Meeting of the Creditors of such Petitioning Debtor, and the Expense of bringing him up shall be paid out of his Estate; and such Warrant of the said Commissioners or Commissioner shall be a lawful Authority for bringing up such Petitioning Debtor.

Custody may order Release, &c.

XCVI. And be it enacted, That the said Commissioners, or One of them, shall appoint a fit and proper Person, being a Registrar or Official Assignee of the said Court of Bankruptcy, or One of the principal Creditors of the Petitioning Debtor, to preside at any Meeting of the Creditors of the Petitioning Debtor, and to report the Resolutions thereof to the said Commissioners.

Commissioners to appoint a President.

XCVII. And be it enacted, That if at such Meeting of Creditors whereof Notice shall have been given as herein-before directed the major Part in Number and Value, or Nine Tenths in Value or Nine Tenths in Number whose Debts exceed Twenty Pounds, shall personally, or by their Attorneys thereto duly authorized, assent to the Proposal of such Petitioning Debtor or to any Modification thereof, the President shall appoint another Meeting of the Creditors, to be held not earlier than Fourteen nor later than Twenty-eight Days from such First Meeting, of which Second Meeting, and of the Purpose thereof, and of the Place of holding same, Notice in Writing shall be personally served on every Creditor who was not present by himself or his Attorney duly authorized at such First Meeting, Seven clear Days at least before the Day appointed for such Second Meeting: Provided always, that the said Commissioners of Bankrupt, or One of them, may order in any special Case that Service of such Notice at the last Place of Abode or Business of any Creditor shall be deemed good Service.

If at First Meeting major Part in Number and Value, or Nine Tenths in Value, or Nine Tenths in Number, whose Debts exceed 20*l.*, assent, another Meeting to be called.

XCVIII. And be it enacted, That if at the Second Meeting of Creditors Three Fifths in Number and Value, or Nine Tenths in Number or Nine Tenths in Value whose Debts exceed Twenty Pounds, present personally or by Attorneys thereto duly authorized, shall agree to accept such Arrangement or Composition as was assented to at the First Meeting, and shall reduce the Terms thereof into Writing, and sign the same, such Resolution or Agreement (subject to such Confirmation as is next herein-after mentioned) shall thenceforth be binding and of full Force as well against the Petitioning Debtor as against all Persons who were Creditors at the Date of his Petition, and who had Notice of the said several Meetings of Creditors:

If at Second Meeting Three Fifths in Number and Value of all the Creditors present agree to accept, &c., Resolution to be binding on all, provided One full Third in Number and Value be present.

ditors: Provided, however, that such Resolution or Agreement shall not be valid unless One full Third in Number and Value of all the Creditors of such Petitioning Debtor were present at such Second Meeting, either in Person or by their Attorneys duly authorized.

Creditors to vote according to Balance due to them on Account, fairly stated.

XCIX. And be it enacted, That in all Matters wherein Creditors shall vote, or wherein the Assent or Dissent of Creditors shall be exercised, in pursuance of or in carrying into effect this Act, in relation to any Arrangement between a Debtor and his Creditors, every Creditor shall be accounted such (in Value) in respect of such Amount only as upon an Account fairly stated between the Parties, after allowing the Value of mortgaged Property, and other such available Securities and Liens, as shall appear to be the Balance due; and that all Disputes arising in such Matters concerning any such Amount shall, upon Application duly made in that Behalf, be examined into by the said Commissioners, or One of them, who shall have Power to determine the same, and, if it seem fit, to refer the Examination thereof to an Official Assignee: Provided always, that the Amount in respect of which any such Creditor shall vote in any such Matter shall not be conclusive of the Amount of his Debt for any ulterior Purposes, in pursuance of the Provisions of this Act.

Resolution to be submitted to the Commissioners, and the Commissioners, if they think it reasonable, after hearing Creditors for and against, to approve and confirm the same, and to cause it to be filed, and to grant Certificate of Protection.

C. And be it enacted, That within Fifteen Days next after the passing of such Resolution or Agreement the same shall be submitted to the said Commissioners of Bankrupt, and if the said Commissioners, or One of them, if they or he shall think the same reasonable and proper to be executed, after hearing such Creditors, by themselves, their Counsel or Attorneys, as may desire to be heard, either for or against such Resolution or Agreement, shall approve and confirm the same, and cause it to be filed with the Registrars of said Court of Bankruptcy, and shall grant to the Petitioning Debtor a Certificate of such Approval and Confirmation, and shall from Time to Time endorse on such Certificate a Protection from Arrest, and such Petitioning Debtor shall be free from Arrest at the Suit of any Person being a Creditor at the Date of his Petition, and having had such several Notice or Notices as aforesaid; and any Officer arresting such Petitioning Debtor at the Suit of any such Creditor, and on Sight of such Certificate and Protection not releasing such Petitioning Debtor, shall be liable to such Penalty as is by this or any other Act in force in *Ireland* provided respecting Bankrupts in the like Case: Provided always, that no such Protection shall be valid in favour of any Petitioning Debtor who shall be proved to have been about to abscond from *Ireland*, or who has concealed or is concealing any Part of his Estate or Effects, nor against any Creditor whose Debt is not truly specified in the Petition, nor against any Creditor whose Debt has

has been contracted by reason of any manner of Fraud or Breach of Trust.

CI. And be it enacted, That from and after the Date of the Approval and Confirmation of such Resolution or Agreement all the Estate and Effects of the Petitioning Debtor shall vest in the Trustee (if any such shall be appointed) by virtue of such Resolution, as fully as if such Trustee were an Assignee under any Bankruptcy; and every such Trustee may sue and be sued as if he were such Assignee.

Estate to vest in Trustee, if any be appointed.

CII. And be it enacted, That such Resolution shall be entered of Record in the Office for the Enrolment of Matters relating to Bankruptcy, and the same, when so enrolled, shall be as effectual, and a certified Copy thereof as admissible in Evidence, as is now a Certificate of Appointment of an Assignee or a certified Copy thereof.

Resolution to be enrolled, and Copy of it to be Evidence.

CIII. And be it enacted, That every such Trustee shall, once at least in every Six Months, or oftener if the said Commissioners or One of them shall require it, produce to the said Commissioners or Commissioner, on Oath, a full and true Account of all Monies, Property, and Effects of such Petitioning Debtor which have come to his Hands, and of the Disposal thereof; and the said Commissioners or Commissioner shall examine the same, and shall certify the Result of such Examination, and, if need be, order Payment to the Creditors of such Petitioning Debtor, according to the Terms of the Resolution or Agreement.

Trustee to file Account every Six Months, or oftener, if required.

CIV. And be it enacted, That if it shall at any Time appear to the said Commissioners or Commissioner, on the Representation of the Trustee or of any Two Creditors, that the Petitioning Debtor has not made a true Discovery of his Estate and Effects, or has not duly accounted for any subsequently acquired Property (if required by the true Intent and Meaning of the Resolution or Agreement), or has wilfully made any false Return of Creditors, it shall be lawful for said Commissioners, or either of them, to summon such Petitioning Debtor, and to examine him upon Oath touching such Matters; and such Summons and Examination shall be enforced in such Manner as the summoning and Examination of Bankrupts.

If Petitioning Debtor has not made a true Discovery, &c., he may be summoned and examined.

CV. And be it enacted, That in case any Difficulty shall arise in the Execution of the said Resolution or Agreement it shall be lawful for the said Commissioners, or One of them, to cause a special Meeting of the Creditors to be assembled at such Time and Place, and on such Notice given or advertised, as such Commissioners shall appoint;

If any Difficulty arise as to Execution of Resolution, &c., a Special Meeting may be called.

appoint; and the Resolution of the Majority of the Creditors at such Meeting, to confirm, alter, or annul the whole or any Part of such Resolution or Agreement, shall be as valid as if it had been Part of the original Resolution or Agreement: Provided, however, that if One Third in Number and Value of the Creditors of such Petitioning Debtor do not attend such Meeting, the Resolution thereof shall not be valid unless the same is approved and confirmed by One of the said Commissioners.

When Resolution or Agreement has been carried into effect, Commissioner to give Petitioning Debtor a Certificate thereof, and such Certificate to operate as a Certificate of Conformity.

CVI. And be it enacted, That so soon as the said Resolution or Agreement shall have been carried into effect, and the Creditors of the Petitioning Debtor shall have been satisfied according to the Tenor thereof, the said Commissioners, or One of them, shall, after such Notice to the Creditors, by Advertisement in the *Dublin Gazette* or otherwise, as the said Commissioners or Commissioner shall think fit to direct, give to the Petitioning Debtor a Certificate under the Hand and Seal of the said Commissioners or Commissioner in the Form in Schedule (L.), setting forth the filing of the Petition, the Resolution or Agreement of the Creditors, and that the said Resolution or Agreement has been fully carried into effect, and such Certificate shall thenceforth operate to all Intents and Purposes as fully as if the same were a Certificate of Conformity under a Bankruptcy.

Commissioners, on being satisfied that Trustee has fully performed his Trust, to give him a Certificate, which shall be a full Release and Acquittance.

CVII. And be it enacted, That the said Commissioners, or One of them, on being satisfied that the Trustee has fully performed his Trust, shall give to him a Certificate thereof in the Form in the Schedule (M.), and such Certificate shall be a full Release and Acquittance to such Trustee, both in Law and Equity, for all Matters done by him as such Trustee; and it shall be lawful for such Trustee to receive for his Services in the Execution of his said Trust such Sum of Money as the major Part in Number and Value of the Creditors shall appoint, subject to the Approval and Allowance of the said Commissioners.

Nothing contained in 3 & 4 Vict. c. 105. shall entitle a Judgment Creditor to any Preference over other Creditors.

CVIII. And be it declared and enacted, That nothing contained in an Act passed in the Session held in the Third and Fourth Years of the Reign of Her present Majesty, intituled *An Act for abolishing Arrest on Mesne Process in Civil Actions, except in certain Cases, for extending the Remedies of Creditors against the Property of Debtors, and for the further Amendment of the Law and the better Advancement of Justice in* Ireland, shall operate or extend to give any Preference or Priority to any Judgment Creditor or to any Security or Securities by Judgment obtained against any Person or Persons who has or have become or may hereafter become bankrupt.

CIX. Provided, however, and be it enacted, That nothing herein contained shall extend or be construed to extend to or affect any Act done before the passing of this Act under the Authority of any Court, or to render valid or invalid any Judgment or Security by Judgment declared valid or invalid by any Court of competent Jurisdiction before the passing of this Act, or to affect any Security or Securities by Judgment obtained before the First Day of *July* in the Year of our Lord One thousand eight hundred and thirty-six, and before the Bankrupt became a Trader liable to become a Bankrupt.

Saving such Judgments as have been the Subject of some legal Decision before the passing of this Act.

CX. And whereas by the said last-mentioned Act it is enacted, that from and after the First Day of *November* One thousand eight hundred and forty every Warrant of Attorney to confess Judgment in any personal Action, or a true Copy thereof, and of the Attestation thereof, and of the Defeazance and Endorsement thereon (if any), shall be filed in manner therein directed, or Judgment thereon entered, within Twenty-one Days after the Execution of such Warrant of Attorney: And whereas Doubts have arisen whether it is necessary that any Warrants of Attorney should be filed or Judgments thereon entered unless such Warrants were executed on or subsequent to the said First Day of *November* One thousand eight hundred and forty: Be it therefore enacted, That Judgment shall on or before the First Day of *November* One thousand eight hundred and forty-nine be entered in One of Her Majesty's Courts of Record in *Dublin* upon all Warrants of Attorney which were executed on or before the said First Day of *November* One thousand eight hundred and forty, and which have not been filed in manner aforesaid within Twenty-one Days after the Execution thereof, or on which Judgment has not already been entered; and in case Judgment is not entered upon any such Warrant of Attorney before said First Day of *November* One thousand eight hundred and forty-nine, any Judgment entered thereupon subsequent thereto, and any Execution issued thereon, shall be deemed fraudulent and void against the Assignees appointed or to be appointed under any Commission of Bankrupt issued or to be issued against the Person who shall have given such Warrant of Attorney, and against the Provisional or other Assignee or Assignees of such Person, if an Insolvent Debtor; and such Assignee or Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt or Prisoner, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution.

Judgments shall before 1st Day of *November* 1849 be entered on all Warrants of Attorney executed on or before 1st Nov. 1840, if not already entered.

Otherwise such Warrants of Attorney shall in certain Cases be deemed fraudulent and void.

CXI. And be it enacted, That from and after the Commencement of this Act the Provisions, Regulations, and Directions contained in

Pleas of Confession and Consents for Judgment to

be filed within 21 Days.

in the said Act of the Third and Fourth Years of Her present Majesty, in reference to the filing of Warrants of Attorney to confess Judgments, or Copies thereof, and the numbering, entering, and searching for the same, shall be applicable and deemed and construed to apply equally to any Plea of Confession, Cognovit actionem, and all manner of Acknowledgments or Consents for Judgments, and Copies thereof respectively, in any Suit or Proceeding in any of the Superior Courts of Law in *Ireland*, and to the numbering and entering of and searching for the same, as fully and effectually as if such Pleas of Confession, Cognovits, Acknowledgments, and Consents for Judgments, or the Copies thereof, had been expressly mentioned in the said Act, and required to be filed; and if at any Time after Twenty-one Days next after the Execution or signing of any Plea of Confession, Cognovit actionem, Acknowledgment, or Consent for Judgment, a Commission of Bankrupt shall be issued against the Person who, by himself or his Attorney, shall have given such Plea, Cognovit, Acknowledgment, or Consent for Judgment, under which he shall be duly found and declared a Bankrupt, or if any such Person shall be imprisoned for Debt, and upon a Petition to the Court for the Relief of Insolvent Debtors in *Ireland* a Vesting Order shall be made under the Provisions of any Act for the Relief of Insolvent Debtors in *Ireland*, then and in such Case, unless such Plea, Cognovit, Acknowledgment, or Consent for Judgment, or a Copy thereof, shall have been (within Twenty-one Days from the Execution or signing thereof, or within Twenty-one Days from the Commencement of this Act,) duly filed, pursuant to the Provisions of the said herein-before recited Act of the Third and Fourth Years of Her present Majesty's Reign, or of this Act, or unless within the said Twenty-one Days Judgment shall have been entered thereon, and such Judgment duly registered in the Office of the Registrar of Judgments, according to the Provisions of an Act passed in the Seventh and Eighth Years of the Reign of Her present Majesty, intituled *An Act for the Protection of Purchasers against Judgments, Crown Debts, Lis Pendens, and Commissions of Bankruptcy; and for providing One Office for the registering of all Judgments in* Ireland; *and for amending the Laws in* Ireland *respecting Bankrupts and the Limitation of Actions*, such Plea of Confession, Cognovit, Acknowledgment, or Consent for Judgment, and the Judgment and Execution thereon, shall be deemed fraudulent and void against the Assignees under such Commission, and against the Provisional or other Assignee of such Prisoner, and such Assignee or Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt or Prisoner, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution.

In what Case Pleas of Confession, &c. deemed fraudulent and void.

7 & 8 Vict c. 90.

CXII. And

CXII. And be it enacted, That from the Commencement of this Act, instead of the Fee of Sixpence hitherto payable to the Masters of the said Superior Courts for every Search against each Person, there shall be payable a Fee of One Shilling and no more for each Search, whether some only or all of the Books shall be searched, and whether the Search shall be against One or more Persons.

Fee of only One Shilling to be paid on searching.

CXIII. And be it enacted, That if at any Time after Twenty-one Days from the entering or signing of any Judgment whatever in any of the said Superior Courts (save and except Judgments entered upon or by virtue of Warrants of Attorney, Pleas of Confession, or Consents for Judgments, which Warrants of Attorney, Pleas of Confession, or Consents for Judgments, or Copies thereof, shall have been duly filed, under the Provisions of this Act or of the herein-before recited Act of the Third and Fourth Years of the Reign of Her present Majesty,) a Commission of Bankrupt shall be issued against the Person against whom such Judgment shall be entered or obtained, under which he shall be duly found and declared a Bankrupt, or if such Person shall be imprisoned for Debt, and upon a Petition to the Court for Relief of Insolvent Debtors in *Ireland* a Vesting Order shall be made, under the Provisions of any Act for the Relief of Insolvent Debtors in *Ireland*, then and in such Case, unless such Judgment shall have been duly registered within Twenty-one Days from the entering or signing thereof in the said Office of the Registrar of Judgments, such Judgment, and any Execution thereon, shall be deemed fraudulent and void, against the Assignees under such Commission, and against the Provisional or other Assignee of such Prisoner, and such Assignee or Assignees shall be entitled to recover back and receive, for the Use of the Creditors of such Bankrupt or Prisoner, all and every the Monies levied or Effects seized under and by virtue of such Judgment and Execution.

All other Judgments shall be registered.

CXIV. And be it enacted, That every Petition of Appeal from any Judgment, Order, or other Decision of either of the said Commissioners of Bankrupt shall be filed in the Office of the Lord Chancellor's Secretary of Bankrupts, within Twenty-one Days next after the Day on which such Judgment, Order, or other Decision is made or pronounced, and not afterwards; and that on the Hearing of each Petition of Appeal the only Documents or Evidence to be relied on or admissible shall be such as were produced or given before the Commissioner whose Judgment, Order, or Decision is appealed from.

Petitions of Appeal to be filed within 21 Days.

Evidence on Hearing.

CXV. And be it enacted, That all Affidavits and other Writings whatsoever, and all Advertisements inserted in the *Dublin Gazette*, relating

Affidavits, &c. not liable to Stamp Duty.

relating to any Proceedings under or in pursuance of this Act, shall not be liable to any Stamp Duty or other Duty whatsoever.

Lord Chancellor to settle Fees, &c.

CXVI. And be it enacted, That it shall and may be lawful for the Lord Chancellor from Time to Time to settle and regulate the Fees which shall be taken and paid upon all Matters and Proceedings done, had, or taken, or to be done, had, or taken, under or in pursuance of this Act, or of any of the Powers hereby given, or in the Execution thereof, other than such Fees as are hereby ordered to be paid, and, if he shall think fit, to direct that any of the said Fees shall be paid into the "Bankruptcy and Compensation Fund Account."

Secretary of Bankrupts, Registrars, and other Officers to be deemed Officers of the Court of Chancery.

CXVII. And be it enacted, That the Secretary of Bankrupts, Registrars, Provisional Assignees, and all other Officers appointed or to be appointed under the said recited Acts or this Act, except the Commissioners of Bankrupt, shall, from and after the passing of this Act, be deemed and considered to be Officers of the Court of Chancery in *Ireland*, and subject and liable to the like Incapacity of acting as Attornies or Solicitors, and to the same Liabilities and Penalties as to Removal from Office for Misconduct, and as regards the exacting or taking any Fee or Sum of Money not allowed by Law, and generally in all respects as any Officer of the said Court is or may be by Law liable or subject to.

Construction of Act.

CXVIII. And be it enacted, That the Words and Expressions herein-after mentioned, which in their ordinary Signification have a more confined or a different Meaning, shall in this Act, except where the Nature of the Provision or the Context of the Act shall exclude such Construction, be interpreted as follows; that is to say, the Words "Her Majesty" shall mean also and include the Heirs and Successors of Her Majesty; and the Words "Lord Chancellor" shall mean also and include the Lord Chancellor, Lord Keeper and Lords Commissioners for the Custody of the Great Seal of *Ireland*, for the Time being; the Words "Commissioners" and "Commissioner" shall mean "Commissioners of Bankrupt," or One of them; and the Word "Month" shall mean a Calendar Month; and the Word "Oath" or "Affidavit" shall include Affirmation and Declaration where by Law such Affirmation or Declaration is required or allowed to be taken in place of an Oath; and the Word "Creditor" shall mean and include all Joint Stock Banking Companies and Corporate Bodies; and every Affidavit or Oath necessary to be made by any Creditor may be made by the Public Officer authorized to sue or be sued or to make Oaths by and on behalf of such Joint Stock Banking Company, or by the Secretary or Deputy Secretary of any Corporate Body; and the Schedules hereto annexed shall be considered and construed as Part of this



Act;

Act; and every Word importing the Singular Number only shall extend and be applied to several Persons or Things as well as one Person or Thing, and Bodies Corporate as well as Individuals; and every Word importing the Plural Number shall extend and be applied to one Person or Thing as well as several Persons or Things; and every Word importing the Masculine Gender only shall extend and be applied to a Female as well as a Male; and that this Act shall apply to Aliens, Denizens, and Women, both to make them subject thereto and to entitle them to all the Benefits given thereby; and that this Act shall not extend to either *England* or *Scotland*, except where the same are expressly mentioned; and that this Act, and all other Acts in force or to be in force concerning Bankrupts, shall be construed together as Parts of one and the same Statute, in the most beneficial Manner for promoting the Benefit of Creditors of Bankrupts, and the Ends thereby and hereby intended.

CXIX. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this present Session of Parliament. Act may be amended, &c.

SCHE-

## SCHEDULES referred to by the foregoing Act.

Section XI.

### SCHEDULE (A.)

No. 1.

*Affidavit for summoning a Trader Debtor.*

*A.B.* of and *C.D.* of severally make Oath and say, and first this Deponent *A.B.* for himself saith, That *E.F.* of [*describe fully*] is justly and truly indebted to this Deponent in the Sum of Pounds for, *&c.* [*stating the Nature of the Debt with Certainty and Precision*]; and this Deponent further saith, that the said *E.F.*, as this Deponent verily believes, is a Trader within the Meaning of the Statutes relating to Bankrupts, or some or One of them, and resides at and that an Account in Writing of the Particulars of the Demand of the said *A.B.*, amounting to the said Sum of Pounds, with a Notice thereunder written in the Form prescribed by the Statute in that Case made and provided, purporting to require immediate Payment of the said Debt, is hereunto annexed; and this Deponent *C.D.* for himself saith, that he did on the Day of instant [*or* last] personally serve the said *E.F.* with a true Copy of said Account and Notice.

Sworn, *&c.*

No. 2.

*Particulars of Demand and Notice requiring Payment.*

To *E.F.* of

The following are the Particulars of the Demand of the Undersigned *A.B.* of against you the said *E.F.*, amounting to the Sum of Pounds [*here copy Account*].

Take notice, That I the said *A.B.* hereby require immediate Payment of the said Sum of Pounds. Dated this Day of in the Year of our Lord

(Signed) *A.B.*

No. 3.

No. 3.

*Summons of Trader Debtor.*

THESE are to will and require you to whom this Summons is directed personally to be and appear before the Commissioners of Bankrupt, or One of them, at the Court of Bankruptcy at the Four Courts Inns Quay, Dublin, on the Day of at o'Clock; and you are hereby informed, that the Purpose for which you are thus summoned to appear before the said Commissioners or Commissioner is to ascertain, in Manner and Form prescribed by the Statute in that Case made and provided, whether or not you admit the Demand of *A.B.* of (who claims of you the Sum of Pounds for a Debt), or any and what Part thereof, or whether you verily believe that you have a good Defence to the said Demand, or to any and what Part thereof; and hereof you are not to fail, at your Peril. Given under my Hand, the Day of in the Year of our Lord

(Signed) *J.K.*
Commissioner.

To *E.F.* of

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SCHEDULE (B.)

Section XII.

No. 1.

*Admission of Debt by Trader Debtor.*

Court of Bankruptcy, Dublin.
Day of .

WHEREAS I the undersigned *E.F.* of am summoned to appear before this Honourable Court for the Purpose of stating, in manner prescribed by the Statute in that Case made and provided, whether or not I admit the Demand of *A.B.* of (who claims of me the said *E.F.* the Sum of Pounds for a Debt), or any and what Part thereof, or whether I verily believe that I have a good Defence to the said Demand, or to any and what Part thereof: Be it known, That I the said *E.F.* hereby confess that I am indebted to the said *A.B.* in the said Sum of Pounds [*or* in part of the said Sum of Pounds, that is to say, in the Sum of Pounds].

(Signed) *E.F.*

Admitted before me, *J.K.*
Commissioner.

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No. 2.

*Deposition by Trader Debtor of Belief of good Answer to Creditors Demand, or some Part thereof.*

Court of Bankruptcy, Dublin, Day of A.D.

*E.F.* of being sworn, on the Day and Year and at the Place aforesaid, upon his Oath saith, That he verily believes he has a good Defence to the Demand [*or* to Pounds, Part of the Demand] herein-after mentioned of *A.B.* of who claims of the said *E.F.* the Sum of Pounds for a Debt alleged to be due and owing from the said *E.F.* to said *A.B.*, as stated in the Affidavit of the said *A.B.* filed in the Office of the Lord Chancellor's Secretary of Bankrupts, and bearing Date the Day of .

Sworn before me,

*E.F.* *J.K.*

Commissioner.

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Section XVII.

## SCHEDULE (C.)

*Admission of Debt by Trader Debtor, signed out of Court.*

I the undersigned *E.F.* of do hereby confess, That I am indebted to *A.B.* of in the Sum of Pounds.

(Signed) *E.F.*

Dated this Day of A.D.

Witness,

*G.H.*, Attorney for the said *E.F.*, and subscribing Witness to the Execution hereof as such Attorney.

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Section XXII.

## SCHEDULE (D.)

*Declaration of Insolvency by Trader.*

I the undersigned *E.F.* of do hereby declare, That I am unable to meet my Engagements.

Dated this Day of in the Year of our Lord .

(Signed) *E.F.*

Witness,

*G.H.*, Attorney of the Court of

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SCHE-

## SCHEDULE (E.)

Section XLIX.

*Warrant of Committal of Bankrupt or other Party for unsatisfactory answering, or for refusing to sign his Examination.*

Court of Bankruptcy, Dublin.

In the Matter of Bankrupt. } WHEREAS *E.F.* the said Bankrupt [*or C.H.* of in the County of ] was on the Day of duly sworn and examined in this Court before me, the Commissioner of Bankrupt whose Name and Seal are hereunto subscribed and affixed:

And the said was again on the Day of duly sworn and examined before me the same Commissioner, as by the Examination and Deposition of the said now on the File of Proceedings in this Matter will appear:

And whereas the Answers of the said as now so appearing in said Examination and Deposition, are unsatisfactory [*or* the said refused to sign and subscribe his said Examination and Deposition]:

These are therefore to authorize and require you my Messenger to whom this my Warrant is directed, immediately upon the Receipt hereof, to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until he shall submit himself to the Commissioners of Bankrupt, and sign and subscribe his said Examination and Deposition, [*or* and full Answers make,] to the Satisfaction of said Commissioners to such Questions as shall be propounded to him.

Done at the said Court, this Day of 18 .

*J.K.*
Commissioner.

To
Messenger, and his Assistants,
and to
Governor of the said Prison,
or his Deputy there.

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## SCHEDULE (F.)

Section XLIX.

*Warrant for refusing to be sworn or to answer.*

Court of Bankruptcy, Dublin.

In the Matter of Bankrupt. } WHEREAS *E.F.* of *or C. H.* of being present in this Court on this Day of was by me, the Commissioner of Bankrupt whose Name and Seal are hereunto subscribed and affixed, required

required to submit to be duly sworn and examined, pursuant to the Statutes relating to Bankrupts but the said then and there refused to be sworn [*or* refused to answer the Questions put to him by the said Commissioner]:

These are therefore to authorize and require you my Messenger to whom this my Warrant is directed, immediately upon Receipt hereof, to take into your Custody the said and him safely to convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into his Custody there, and him safely keep and detain, without Bail, until he shall submit himself to the Commissioners of Bankrupt to be sworn, and full Answers make to their Satisfaction to such Questions as shall be propounded to him.

Done at the said Court, this Day of 18 .

*J.K.*
Commissioner.

To
Messenger, and his Assistants,
and to Governor of
the said Prison, or to his Deputy
there.

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Section XLIX.

## SCHEDULE (G.)

*Warrant of Committal for disturbing or interrupting the Court, 6 W. 4. Cap. 14. Sec. 158.*

Court of Bankruptcy, Dublin.

In the Matter of Bankrupt. } WHEREAS at a Sitting in this Matter duly holden in the said Court on the Day of 18 , before me, the Commissioner of Bankrupt whose Name and Seal are hereunto subscribed and affixed, *E.F., &c.* [*or G.H., &c.*] was guilty of Riot [*or* of Disturbance,] [*or* did interrupt me the said Commissioner in the Exercise of my Duty]:

These are therefore to authorize and require you my Messenger to whom this my Warrant is directed, immediately upon the Receipt hereof, to take into your Custody the said and him safely convey to Her Majesty's Prison of and him there to deliver to the Governor of the said Prison, who is hereby authorized and required to receive the said into



his

his Custody, and him safely keep and detain for One Calendar Month [*or* for Days from this Date].

Done at the said Court, this Day of 18 .

*J. K.*
Commissioner.

To
Messenger, and his Assistants,
and to
Governor of the said Prison,
or his Deputy there.

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## SCHEDULE (H.)

Section XLII.

*Search Warrant.*

Court of Bankruptcy, Dublin, Day of A.D.

In the Matter of a Bankrupt. } WHEREAS by Evidence duly taken upon Oath it hath been made to appear to the Satisfaction of me, the undersigned Commissioner of Bankrupt acting in the Prosecution of a Commission of Bankruptcy now in Prosecution against *A.B.* of in the County of bearing Date the Day of that there is Reason to suspect and believe that Property of the said *A.B.* is concealed in the House of one *C.D.* of in the County of such House not belonging to the said Bankrupt:

These are therefore, by virtue of the Act intituled "An Act for the "Amendment of the Law of Bankruptcy in Ireland," to authorize and require you, with necessary and proper Assistants, to enter in the Daytime into the House and Premises of the said *C.D.* situate at aforesaid, and there diligently to search for the said Property, and if any Property of the said Bankrupt shall be there found by you on such Search, that you seize the same, and keep Possession thereof until it be disposed of and dealt with according to the Provisions of the Laws made and in force concerning the Disposition of the Estate and Effects of Bankrupts.

Done at the said Court, this Day of
in the Year of our Lord 18 .

*J.K.*
Commissioner.

To
*W.W.*, Assistant Messenger of
the Court of Bankruptcy, and
his Assistants.

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Section XCI.

## SCHEDULE (I.)

*Petition for Arrangement to the Commissioners of Bankrupt.*

The humble Petition of

Showeth,

That your Petitioner, being a Debtor unable to meet his Engagements with his Creditors, petitions the Commissioners of Bankrupt under the Provisions of the "Act for the Amendment of the Law of "Bankruptcy in Ireland," with the Concurrence of Two Thirds in Number and Value of his Creditors, as is testified by their signing this his Petition:

That the following is a full Account of your Petitioner's Debts, and the Consideration thereof, and the Names, Residences, and Occupations of his Creditors, and also a full Account of your Petitioner's Estate and Effects, whether in possession, reversion, or expectancy, and of all Debts and Rights due to or claimed by him, and of all Property, of what Kind soever, held in trust for him; viz.

| Name of Creditor. | Residence. | Occupation. | When Debt contracted, and Consideration thereof. | Amount of Debt. |
|---|---|---|---|---|
| | | | | |

That the Inability of your Petitioner to meet his Engagements with his Creditors arises from

That for the future Payments or Compromise of such Debts and Engagements your Petitioner proposes

and Two Thirds in Number and Value of your Petitioner's Creditors having assented to such Proposal:

Your Petitioner therefore prays, that such Proposal (or such Modification thereof as by the Majority of his Creditors may be determined) may be carried into effect under the Superintendence and

Control of the Commissioners of Bankrupt, and that he may in the meantime be protected from Arrest.

And your Petitioner shall ever pray, &c.

Signed by the Petitioner in the
Presence of

Solicitor in the Matter of this Petition.

CONCURRING CREDITORS.

| Signature. | Amount. |
|---|---|
| | |

## SCHEDULE (K.)

Section XCI.

*Affidavit in support of Petition for Arrangement.*

Court of Bankruptcy, Day of A.D.
of in the of
the Petitioner named in the Petition hereunto annexed, maketh Oath and saith, That the several Allegations in the said Petition are true.

Sworn at this Day of .
One thousand eight hundred and forty before me,

## SCHEDULE (L.)

Section CVI.

*Certificate to Petitioning Debtor.*

Court of Bankruptcy, Dublin, Day of A.D.

WHEREAS of a Debtor unable to meet his Engagements with his Creditors, did on the Day of with the Concurrence of Two Thirds in Number and Value of his Creditors, present his Petition to the Commissioners of Bankrupt under the Provisions of "the Act for the Amendment of "the Law of Bankruptcy in Ireland," praying that a certain Proposal therein contained, or such Modification thereof as by the Majority of his Creditors might be determined, should be carried into effect, under the Superintendence and Control of the said Commissioners, and the said Petition has been duly filed with the Registrars of said Court: And whereas One of the said Commissioners acting in the Matter of the said Petition, caused such Meetings of the Creditors of the said to be held as are directed by the said Act: And whereas a certain Resolution

Resolution or Agreement was duly assented to at such Meetings of the Creditors, which the said Commissioners, thinking the same to be reasonable, and proper to be executed, under the Direction of the said Commissioners, caused to be filed and entered of Record as by said Act directed: And whereas I am satisfied that the said has fully performed his Part of the said Resolution and Agreement, I hereby certify the several Matters aforesaid, under my Hand and Seal, this Day of 18 .

*J.K.*
Commissioner.

Section CVII.

## SCHEDULE (M.)

*Certificate to Trustee.*

Court of Bankruptcy, Dublin, Day of A.D.

WHEREAS of a Debtor unable to meet his Engagements with his Creditors, did on the Day of with the Concurrence of Two Thirds in Number and Value of his Creditors, present his Petition to the Commissioners of Bankrupt under the Provisions of "the Act for the Amendment "of the Law of Bankruptcy in Ireland," praying that a certain Proposal therein contained should be carried into effect, under the Superintendence and Control of the said Commissioners, and the said Petition has been duly filed with the Registrars of said Court: And whereas One of the said Commissioners acting in the Matter of the said Petition, caused certain Meetings of the Creditors of the said to be held pursuant to the said Act: And whereas a certain Resolution or Agreement was duly assented to at such Meetings of Creditors, which the said Commissioners, thinking the same to be reasonable, and proper to be executed, under the Direction of the said Commissioners, caused to be filed and entered of Record as by said Act directed: And whereas the said Resolution or Agreement has been fully carried into effect, and I am satisfied that the Trustee appointed to carry the said Resolution or Agreement into effect, has fully performed his Trust, I hereby certify the same under my Hand and Seal, this Day of 18 .

*J.K.*
Commissioner.

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ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

***

Dissolution, have regard to any Articles of Partnership or other Contract which shall be subsisting between the Members of such Partnership, Association, or Company: Provided nevertheless, that nothing herein contained shall affect the Jurisdiction of the Court of Stannaries in *Cornwall;* and that nothing in this Act nor in any Act herein referred to contained shall extend or be construed to extend to any Partnership, Association, or Company formed for the working of Mines on the Principle commonly called the Cost Book Principle, within the said Stannaries and Jurisdiction of the said Court, unless the Owner or Owners of One Tenth in Value of the Shares in any such Mine, as shall appear on the Cost Book, shall present a Petition to the Lord Chancellor or to the Master of the Rolls for the Dissolution and winding up, or for the winding up, of the Affairs of such Company, which Petition, and the Parties thereto, and all Proceedings thereupon, shall be subject to the Provisions of this Act and the Acts herein referred to; and that on such Petition being so presented, and Notice thereof being given to the Vice Warden by the Party petitioning, the Court of the said Vice Warden, and the Registrar and Officers thereof, shall cease from entertaining and dealing with any Cause touching such Mine, except so far as may be allowed and directed by Order of the Court of Chancery, in regard to any Cause then or to be thereafter brought in the Court of the said Vice Warden, or in regard to any Proceeding to be taken in furtherance of the said Petition and the Purposes of this Act and the Acts herein referred to; and that the said Vice Warden and Registrar, in taking such Proceedings, shall have all the Powers which any District Commissioner of the Court of Bankruptcy now has in any Matter which by virtue of this Act and the Acts herein referred to may be brought before him.

Petition for Dissolution, &c. to be advertised in Newspapers besides Advertisement in Gazette.

II. And be it enacted, That when any Petition for Dissolution and winding up, or for winding up, the Affairs of any Company, under the said recited Act, shall have been presented, every subsequent Petition relating to the Affairs of such Company shall be addressed to and marked for the same Judge, and such Petitions shall, in addition to the Advertisement thereof in the *London Gazette* or in the *Dublin Gazette* directed by the said Act, be advertised at least Seven clear Days before the hearing thereof, and once at least in Two *London* Daily Morning Newspapers, or in Two *Dublin* Daily Newspapers, (as the Case may be,) and also (in case the Head or only Office of the Company be not in *London, Westminster,* or *Southwark,* or in *Dublin,*) once at least in some Newspaper in general Circulation in the County, City, or Borough where the Head or only Office, or the last known Head or only Office of the Company, is or was situate, and such Advertisement may be in the Form or to the Effect set out



in

in the Schedule (A.) annexed to this Act; and every Contributory shall be entitled to be furnished by the Solicitor presenting any Petition with a Copy thereof within Twenty-four Hours after requiring the same, on paying at the Rate of Four-pence *per* Folio of Ninety Words for such Copy.

Petition for Dissolution, &c. may be verified by Affidavit.

III. And be it enacted, That every Petition for Dissolution and winding up, or winding up, may be verified by Affidavit annexed thereto, or subscribed at the Foot thereof, at the Time of presenting and filing the same, in the Form or to the Effect set out in the Schedule (B.) annexed to this Act; and that no Costs of any further or additional Affidavit in Verification shall be allowed, unless specially allowed by the Court.

On winding up on Suit, Court may order a Resort to the Act.

IV. And be it enacted, That the Provision in the said Act contained for empowering Her Majesty's High Court of Chancery in *England* and *Ireland* respectively, in any Decree or Order for the Dissolution of a Company or of any other Association or Partnership, as therein mentioned, to be made in any Suit then pending or thereafter to be instituted, and also, by any Order to be made after a Decree for the Dissolution of a Company, Association, or Partnership in any such Suit, to order that the Affairs of such Company, Association, or Partnership should be wound up under the Provisions of the said Act, and that the Costs of winding up the same should be paid and recovered according to the Provisions of the said Act, and for that Purpose to give Directions as therein mentioned, any Decree or Order so to be made to be deemed, if the said Court should so direct, an Order absolute under the said Act, shall extend in all respects to any Decree or Order of the Court for or relating to the winding up of the Affairs of any such Company, Association, or Partnership as therein mentioned made in any Suit now pending or hereafter to be instituted, and also to any Order made after a Decree for or relating to the winding up of the Affairs of a Company, Association, or Partnership in any such Suit.

Extension of Provision as to Official Managers Sureties; Withdrawal, Increase, or Diminution of Security; vacating of Recognizances.

V. And be it enacted, That it shall be lawful for the Master for the Time being acting in the winding up of any Company under the said Act in respect of which an Official Manager has been or shall be appointed, if he think fit so to do, from Time to Time to allow any Surety of such Official Manager to withdraw from his Suretyship, or to become bound in a smaller Sum, from Time to Time, upon his procuring another Surety or Sureties to become bound in a competent Amount, and also to allow any Surety from Time to Time to become bound in a larger Sum, and to direct any new Recognizances to be entered into accordingly; and also that it shall be lawful for the Master, in

in any Case arising under the present Provision, and also upon the Death, Bankruptcy, or Insolvency of any Surety, and the Appointment of any new Surety in his Place, to order any Surety's Recognizance to be vacated: Provided always, that nothing herein contained shall authorize the Master at any Time to allow the total Amount of the Recognizances of all the Sureties of any Official Manager for the Time being to fall short of the Sum in which such Official Manager is bound.

Remuneration of Official Manager to be fixed by Master according to the Scale herein mentioned.

VI. And be it enacted, That, notwithstanding the Provision in the said Act contained for empowering the Court to allow, increase, or diminish from Time to Time the Salary or Remuneration of the Official Manager, it shall be lawful for the Master to exercise the said Powers and Discretions so given to the Court, and that whether as respects any Official Manager already appointed or hereafter to be appointed: Provided always, that such Salary or Remuneration shall not, if it be by Per-centage, unless the Court otherwise direct, exceed (in addition to any Allowances or Salaries to Clerks or Officers employed by such Official Manager in or about the winding up of the Company, such Allowance or Salary to be also fixed or approved by the Master) the Rates or Sums herein-after mentioned; that is to say,

In respect of all Monies arising from the Estate of such Company received by the Official Managers, and paid or divided among the Creditors or Contributories of the same under the Provisions of the said Act, which shall not exceed One hundred thousand Pounds, Five Pounds *per Cent.*;

In respect of all such further Monies which shall exceed One hundred thousand Pounds but shall not exceed Two hundred thousand Pounds, Four Pounds *per Cent.*;

And in respect of all further Monies so divided which shall exceed Two hundred thousand Pounds, Three Pounds *per Cent.*

Provisions as to Remuneration, &c. of Official Manager to apply to Provisional Manager.

VII. And be it enacted, That the Provision herein contained with respect to the Remuneration of an Official Manager, and the Provisions in the said Act contained with respect to passing the Accounts of the Official Manager, and the Inspection of his Books by the Contributories, and the Evidence of his Books, Accounts, and Documents, and all other the Powers and Duties of the Official Manager, shall apply in all respects to the Remuneration of any Interim or Provisional Manager to be appointed as in the said Act mentioned, and to the passing of his Accounts, and the Inspection of his Books, and the Evidence of his Books, Accounts, and Documents, and the Powers and Duties of the Interim or Provisional Manager.

VIII. And

VIII. And be it enacted, That for better getting in the Estate of any Company in respect of which an Order absolute has been or shall be made under the said Act, and discharging the Debts thereof, and winding up the Affairs thereof, it shall be lawful for the Official Manager of such Company, under the Direction of the Master for the Time being acting in the winding up thereof, and on behalf of the Company, to draw, accept, make, and endorse any Bill of Exchange or Promissory Note, and also to raise upon the Security of the Assets of the Company from Time to Time such Sum or Sums of Money and in such Manner as the Master shall from Time to Time direct; and the drawing, accepting, making, or endorsing of every such Bill of Exchange or Promissory Note as aforesaid on behalf of the Company shall have the same Effect with respect to the Liability of such Company as if such Bill or Note had been drawn, accepted, made, or endorsed by such Company in the course of carrying on the Business thereof.

Official Manager may endorse Bills and Notes, and raise Money on Security of Assets.

IX. And be it enacted, That the Word "Contributory" as used in the said Act or in this Act with respect to the Persons who are to attend the Proceedings before the Master, and to the Representation of Classes of Contributories, and to the Representation of Contributories being Minors or Lunatics, and to the Appointment by the Master of next Friends, Guardians, or Representatives, and with respect to determining and resolving Questions of Law or of Fact, or Matters in contest arising in or about the winding up of the Affairs of any Company, shall be taken to include alleged Contributories.

The Word "Contributory" to include alleged Contributories as respects the Attendance and Representation of Parties.

X. And be it enacted, That if more than One Official Manager of any Company shall have been or shall be appointed under the said Act, any One of the Official Managers so to be appointed shall have Power to bind and conclude his Co-Managers to the same Extent and in the same Manner in all respects as any One Assignee of the Estate and Effects of a Bankrupt has Power to bind and conclude his Co-Assignees.

Authority of Official Manager where more than One appointed.

XI. And be it enacted, That it shall be lawful for the Master to make or allow any Arrangement which he may think fit from Time to Time with respect to the Remuneration of any Attorney or Solicitor to be appointed by the Official Manager, and that such Remuneration may be either by way of Per-centage or otherwise; provided that such Remuneration, if it be by Per-centage, shall not, unless the Master shall otherwise specially direct, exceed (in addition to actual Payments) the Rates or Sums hereby authorized to be allowed to the Official Manager for his Salary or Remuneration.

Master may fix Remuneration of Official Manager's Solicitor.

Master may award Costs.

XII. And be it enacted, That the Costs of all Proceedings which shall take place in and about the winding up, as to which the Court shall have made no Order, shall be in the Discretion of the Master; and that it shall be lawful for the Master to award a single Sum or Fee for any Costs awarded by him, or otherwise to settle the Principle and the Scale of Fees upon or according to which such Costs shall be ascertained and settled.

Acts of Official Manager to be valid as respects Third Parties, though not approved of by Master.

XIII. And be it enacted, That all Acts and Things by the said Act or by this Act required or authorized to be done by the Official Manager, with the Leave or Approbation or under the Direction of the Master, shall, so far as respects the Safety and Protection of Debtors and other Persons not being Contributories of the Company, and not affected with Notice of any Fraud, be valid and conclusive, notwithstanding such Leave or Approbation have not been obtained or such Direction have not been given.

Bankrupt or Insolvent Contributories to be represented by their Assignees.

XIV. And be it enacted, That if any Contributory or alleged Contributory be a Bankrupt or Insolvent, he shall be entitled to attend by his Assignees, and in all Proceedings against his Estate under the said Act shall be sufficiently represented by such Assignees.

Master may adjourn Proceedings generally, or take up without Adjournment.

XV. And be it enacted, That, notwithstanding anything in the said Act contained, it shall be lawful for the Master to adjourn any Proceedings before him under the said Act without fixing any Time or Place, and to take up again and continue any Proceedings under the said Act from Time to Time, although the same have not been formally adjourned.

Master may dispense with Advertisements.

XVI. And be it enacted, That it shall be lawful for the Master, in such Cases as he thinks fit, to dispense with any Advertisements required by the said Act to be made of any Call or of any other Proceedings by or before the Master; provided that the said Master shall not dispense with the Advertisement of an intended Call or other Proceeding until he is satisfied that Notice has been given to each of the several Contributories intended to be included in such Call or affected by such Proceeding, that it is intended to include him therein or affect him thereby; and that, notwithstanding anything in the said Act contained, no Proceedings in any Action by a Creditor shall be stayed by reason that an Advertisement has not been published under the said Act requiring Creditors to come in and prove their Debts and Demands before the Master.

Master may review his Orders and Proceedings.

XVII. And be it enacted, That it shall be lawful for the Master from Time to Time to reconsider and review any Order or Proceeding

ing which may have been made by or may have taken place before him under the said Act, upon such Terms and in such Manner as he thinks fit.

List of Contributories, &c., as prepared by Official Manager, to be Evidence.

XVIII. And be it enacted, That, as between the Contributories or alleged Contributories, the Lists of Contributories, and all other Lists required by the said Act, as the same shall have been prepared by the Official Manager, and before the same shall have been settled by the Master, shall, except so far as the Master shall otherwise direct, be *primâ facie* Evidence of the Truth of all Matters therein contained and purporting to be therein recorded.

Master may require any Evidence to be given which might have been obtained in a Suit by the Company.

XIX. And be it enacted, That it shall be lawful for the Master, under the Powers of the said Act, to require any Evidence to be given or Discovery to be made before him respecting the Estate, Dealings, or Affairs of any Contributory or deceased Contributory of the Company, or respecting any other Matter in which the Company may be interested, and which might have been compelled or obtained in any Suit in Equity at the Instance or on the Behalf of the Company; and that any Person who shall be summoned before the Master for the Purpose of giving any such Evidence shall be deemed to be within the Provisions and Penalties of the said Act with respect to Witnesses.

District Commissioners of Bankruptcy, and County Court Judges in England, and Commissioners of Bankrupt and Assistant Barristers in Ireland, and in certain Cases Vice Warden or Registrar of Stannaries Court, to be Commissioners for receiving Evidence.

XX. And be it enacted, That the District Commissioners of the Court of Bankruptcy, and the Judges of the County Courts in *England* who sit at Places more than Twenty Miles from the General Post Office, and the Commissioners of Bankrupt and the Assistant Barristers and Recorders in *Ireland*, and in all Cases relating to Mines within the Jurisdiction of the Stannaries Court in *Cornwall* the Vice Warden or the Registrar of the said Court, shall be and they are hereby appointed Commissioners for the Purpose of taking and receiving Evidence under the said Act and this Act; and it shall be lawful for the Master, by any Order under his Hand, to refer the whole or any Part of the Examination of any Witnesses under the said Acts to any such Commissioner, although such Commissioner be out of the Jurisdiction of the Court by which the Order absolute was made; and every such Commissioner shall, in addition to any Power of summoning and examining Witnesses, and requiring the Production or Delivery of Documents, and certifying or punishing Defaults by Witnesses, which he might lawfully exercise as a District Commissioner of the Court of Bankruptcy, Judge of a County Court, Commissioner of Bankrupt, Assistant Barrister, or Recorder, or as the Vice Warden or the Registrar of the Stannaries Court, have and exercise, in the Matter so referred to him, all the same Powers of summoning and examining Witnesses, and requiring the Pro-

Production or Delivery of Documents, and certifying or punishing Defaults by Witnesses, and allowing Costs and Charges to Witnesses, as are given by the said Act or this Act to any Master charged with the winding up of any Company under the same; and the Examinations so to be taken shall be returned to the Master as he shall direct.

Master may order the Examination of Persons in Scotland, whether Contributories to the Company or not, as to the Estate, Dealings, &c. of or with such Company.

XXI. And be it enacted, That it shall be lawful for the Master, by any Order under his Hand, to direct the Examination in *Scotland* of any Person within *Scotland*, whether a Contributory of the Company or not, in regard to the Estate, Dealings, or Affairs of such Company, or in regard to the Estate, Dealings, or Affairs of any Person, being a Contributory of the Company, so far as the Company may be interested therein in respect of his being such Contributory; and such Order shall be directed to the Sheriff of the County in which the Person to be examined shall reside or be for the Time; and the Sheriff shall summon such Person to appear before him at such Time and Place as shall be specified in the Summons, for Examination upon Oath as a Witness or as a Haver, and to produce the Books, Papers, Deeds, or Documents called for which may be in his Possession or Power, and the Sheriff may take such Examination either orally or upon written Interrogatories, and shall report the same in Writing in the usual Form to the Master, and shall transmit with such Report the Books, Papers, Deeds, or Documents produced, if the Originals thereof shall be required and specified by the Order, or otherwise such Copies thereof or Extracts therefrom authenticated by the Sheriff as shall be necessary; and in case any Person so summoned shall fail to appear at the Time and Place specified, or appearing shall refuse to be examined or to make the Production required, the Sheriff shall proceed against such Person as a Witness or Haver duly cited and failing to appear, or refusing to give Evidence or make Production, may be proceeded against by the Law of *Scotland;* and the Sheriff shall be entitled to such and the like Fees, and the Witness shall be entitled to such and the like Allowances, as Sheriffs when acting as Commissioners under Appointment from the Court of Session, and as Witnesses and Havers, are entitled to, in the like Cases, according to the Law and Practice of *Scotland:* Provided always, that if any Objection shall be stated to the Sheriff by the Witness, either on the Ground of his Incompetency as a Witness, or as to the Production required to be made, or on any other Ground whatever, it shall be competent for the Sheriff, if he shall think fit, to report such Objections to the Master, and to suspend the Examination of such Witness until such Objection shall be disposed of by the Master.

Witnesses summoned before

XXII. And be it enacted, That any Person summoned as a Witness before any Commissioner under this Act shall be deemed to be in

in all respects within the Provisions and Penalties of the said recited Act with respect to Witnesses; and that all Costs and Expenses of and incident to any Commission, or any Examination before any Commissioner, under this Act, shall be in the Discretion of the Master, and shall be in all respects within the Provisions of the said Act as to the Costs of winding up the Affairs of any Company.

Commissioners to be within Provisions, &c. of Act, and Costs to be Costs in the winding up.

XXIII. And be it enacted, That any Summons of a Witness to be made by the Master or any Commissioner under this or the said recited Act in *England* shall be valid and effectual, and shall be enforceable in *Ireland*, and that any such Summons so made in *Ireland* shall be valid and effectual in *England*.

Summonses from England to be good in Ireland, and vice versâ.

XXIV. And be it enacted, That any Affidavit, Affirmation, or Declaration which shall require to be sworn or made under the Provisions or for the Purposes of this or the said recited Act shall and may be lawfully sworn in *Great Britain* or *Ireland*, or in any Colony, Island, Plantation, or Place under the Dominion of Her Majesty in Foreign Parts, before any Court, Judge, or Person lawfully authorized to take and receive Affidavits, Affirmations, or Declarations in such Country, Colony, Island, Plantation, or Place respectively, or before any of Her Majesty's Consuls or Vice Consuls in any Foreign Parts out of Her Dominions, and that all Courts, Judges, Justices, Masters, Commissioners judicially acting, and other Officers in any Parts of Her Majesty's Dominions, shall take judicial Notice of the Seal or Signature (as the Case may be) of any such Court, Judge, Person, Consul or Vice Consul, attached, appended, or subscribed to any such Affidavit or Declaration, or to any other Document to be used for the Purposes of this Act.

Affidavits, &c. may be sworn in Ireland, Scotland, or the Colonies, before any competent Court or Person.

XXV. And be it enacted, That, notwithstanding anything in the said Act contained, no Deed of Grant by the Official Manager shall require to be approved or certified by the Master, unless the Parties differ about the same.

Official Manager not to be settled by Master, unless Parties differ.

XXVI. And be it enacted, That, notwithstanding anything in the said Act contained, it shall be sufficient, in any Notice to be given to any Person included in or proposed to be excluded from the List of Contributories, or in any Variation therein or Addition thereto, to state for what Interest such Person is included or excluded, specifying the Amount of the Interest for which any such Person is included therein, without specifying the Number of Shares or the Amount of such Shares.

In Notices of Inclusion in or Exclusion from List of Contributories, sufficient to state for what Interest Party is included or excluded.

XXVII. And be it enacted, That the Power by the said Act given to Contributories to summon any other Person to show Cause why his

Powers of Inclusion or Exclusion.

may be exercised so long as any Shares remain unadjudicated upon.

his Name should not be included in or specially excluded from the List, and the Power of the Master to declare such Person included in or excluded from the List, shall and may be exercised from Time to Time so long as the List has not been wholly settled, although the Person so to be summoned have been already included or specially excluded (as the Case may be) as respects any other Share or Interest in the Company than the Share or Interest in respect of which he is proposed to be included in or specially excluded from the List.

Repeal of Section 84. of 11 & 12 Vict. c. 45.

Master to make Calls on Contributories for the Time being on the List, and to have regard to any probable Default of Payment.

XXVIII. And be it enacted, That so much of the said recited Act as is contained in the Section thereof numbered Eighty-four in the Copy of the said Act printed by the Queen's Printer shall be and the same is hereby repealed; and in lieu thereof, that, when the Master shall think proper to raise any Money by means of a Call, he shall make such Call from Time to Time upon the Contributories of the Company, or any of them, appearing for the Time being on the List of Contributories, although it may then be under Consideration, or uncertain, whether other Persons ought or ought not to be included in the List; and in making any such Call it shall be lawful for the Master to fix such an Amount *per* Share for the same as shall in his Judgment be likely to supply and bring in the whole Sum for the Time being intended to be raised, after taking into consideration the Probability that some of the Contributories upon whom the said Call shall be made should partly or wholly fail to pay their respective Proportions of the same.

Official Manager may compound Claims, &c. of unascertained Amount.

XXIX. And be it enacted, That the Power by the said Act given to the Official Manager to give Time, or compound, or take Security for or to abandon any Balance or Claim as against any of the Contributories of the Company, shall be deemed to extend to any Claim of doubtful or unascertained Amount, including the Liability of any Contributory to any future Calls or Contributions.

Official Manager may prove against Estate of bankrupt or insolvent Contributories, &c., and receive Dividends.

If Creditors of the Company also prove the Dividends payable to the Official Manager

XXX. And be it enacted, That where any Contributory of the Company is a Bankrupt or Insolvent, it shall be lawful for the Official Manager to prove in the Matter of such Bankruptcy or Insolvency for any Balance ordered by the Master to be proved against the Estate of such Contributory, and to take and receive Dividends in respect of such Balance in the Matter of the Bankruptcy or Insolvency as a separate Debt due from such Bankrupt or Insolvent, and rateably with the other separate Creditors: Provided always, that if any Creditors of the Company, not being such Petitioning Creditor under the Fiat as after mentioned, shall have proved or shall prove against the Estate of such bankrupt or insolvent Contributory in respect of any Debt due from the Company, then the Dividends received by the Official Manager from the Estate of

of such bankrupt or insolvent Contributory shall be paid and distributed by the Official Manager, under the Direction of the Master, in the first instance, rateably amongst the Creditors of the Company so proving against the Estate of such bankrupt or insolvent Contributory as aforesaid, until the Debts due to such Creditors respectively be fully paid, and, subject thereto, such Dividends shall be applied by the Official Managers towards the general Purposes of the winding up of the Affairs of the Company: Provided also, that in case any such Fiat shall have been issued on the Petition of a joint Creditor of the said Company in respect of his joint Debt, and he shall have proved such joint Debt for the Purpose of receiving Dividends under such Fiat, then any Dividends paid to such Petitioning Creditor under such Proof shall be set against the Dividends payable to such Official Manager in respect of the Proof so made by him as aforesaid, so far as the same will extend.

are to go amongst those Creditors.

If any such Creditor be the Petitioning Creditor under the Fiat, the Dividends received by him are to be set against Dividends payable to the Official Manager.

XXXI. And be it enacted, That it shall be lawful for the Masters, in directing any Issue or Question of Fact to be decided by a Jury under the Powers of the said Act, to determine whether such Issue or Question shall be decided by a Common or by a Special Jury; and that it shall also be lawful for the Master to direct a new Trial of any such Issue or Question; and also that it shall be lawful for the Master to require any Contributories or alleged Contributories to interplead before him in any Question of Liability or other Matter in difference between such Contributories or alleged Contributories in which the Company is interested, or which is necessary to be determined in order to the complete winding up thereof, and thereupon to decide the same.

Masters to have Powers to order Special Juries, new Trials, and Interpleaders.

XXXII. And be it enacted, That it shall be lawful for the Master in any Proceeding before him to make any Alteration in the Lists of Contributories or in the Accounts of the Company, or to make any other Order which may seem to him just as respects Parties present before him, although the same may vary from the Notice, if any, which may have been given with respect thereto.

Master may make Orders in the Presence of the Parties, though varying from the Notice.

XXXIII. And be it enacted, That no Notice of Motion for a Rehearing before the Lord Chancellor of *Great Britain* or *Ireland* respectively of any Order of the Master of the Rolls in *England* or *Ireland*, or of any of the Vice Chancellors in *England*, under the said Act or this Act, shall be given after the Expiration of Three Weeks after the Order complained of shall have been made.

Rehearings not to be moved for after Three Weeks.

XXXIV. And be it enacted, That where any Appeal shall be brought or Rehearing moved for under the said Act or this Act it shall

Order need not be reversed on

Appeal for Want of Form only.

shall not be incumbent on the Court before which such Appeal is brought or Rehearing moved for to reverse the Order or other Proceeding complained of for Want of Form only, nor unless such Court be of opinion that the substantial Merits of the Case require such Reversal.

Per-centage to be taken in lieu of Fees to Suitors Fee Fund.

XXXV. And be it enacted, That in lieu of all Fees to be received or charged in aid of the Suitors Fee Fund in respect of any Proceedings, Orders, or other Matters under the said Act or this Act, the Interim or Provisional Manager or the Official Manager of any Company the Affairs of which shall be wound up under the said Act shall pay into the Bank of *England*, with the Privity of the Accountant General of Her Majesty's High Court of Chancery in *England* or *Ireland* respectively, to be there placed to the Credit of the Suitors Fee Fund Account, such Amount by way of Per-centage as shall be certified by the Master upon the Monies received by the Official Manager, and paid or divided amongst the Creditors or the Contributories of such Company in winding up the Affairs thereof, not exceeding the Sums following; that is to say,

Upon the first Monies so paid and divided, not exceeding Fifty thousand Pounds, the Sum of Ten Shillings *per* One hundred Pounds:

Upon all further Monies above Fifty thousand Pounds and not exceeding One hundred thousand Pounds, so paid and divided, the Sum of Five Shillings *per* One hundred Pounds:

Upon all further Monies above One hundred thousand Pounds and not exceeding Two hundred thousand Pounds, so paid and divided, the Sum of Three Shillings and Four-pence *per* One hundred Pounds:

Upon all further Monies exceeding Two hundred thousand Pounds, so paid and divided, the Sum of One Shilling and Three-pence *per* One hundred Pounds:

Provided always, that it shall be lawful for the Lord Chancellor of *Great Britain* or the Lord Chancellor of *Ireland*, by such Rules or Orders as herein-after mentioned, to alter and vary from Time to Time the Rates herein specified.

As to Omission of Christian Names in Notices, Pre-payment and Return of Letters sent by the Post.

XXXVI. And be it enacted, That no Service under the said Act shall be deemed invalid by reason of the Christian Name or any of the Christian Names of the Person upon whom Service is sought to be made having been omitted, or designated by initial Letters, in the List of Contributories, or in the Summons, Notice, Order, or other Document wherein the Name of such Contributory is contained, if the Court or Master be satisfied that such Service has been in other respects sufficient; and that any Summons, Notice, Order, or other Document sent by Post shall be pre-paid, except so far as the Rules of

of the Post Office shall not allow of Pre-payment; and that in proving any such Service by Post it shall not be necessary to show that the Document was not returned.

Extension of Lord Chancellors Power to make Rules and Orders.

XXXVII. And be it enacted, That the Powers by the said Act given to the Lord Chancellor of *Great Britain* and the Lord Chancellor of *Ireland* respectively, with such Advice and Consent as therein mentioned, of making, varying, and discharging Rules and Orders for the Objects therein mentioned, shall extend to authorize and empower the said Lord Chancellors respectively, with the like Advice and Consent as in the said Act mentioned, to make all such Rules and Orders as from Time to Time shall seem necessary or expedient for better carrying into effect the Purposes of the said Act or of this Act, by Her Majesty's High Courts of Chancery in *England* and *Ireland* respectively, and from Time to Time to alter, vary, and discharge any such Rules or Orders.

Act to be Part of Joint Stock Companies Winding-up Act, 1848.

XXXVIII. And be it enacted, That this Act shall be taken and construed (so far as practicable) as a Part of the said Joint Stock Companies Winding-up Act, 1848.

Short Title.

XXXIX. And be it enacted, That in citing this Act in other Acts of Parliament, and in legal Instruments and in legal Proceedings, it shall be sufficient to use the Expression "The Joint Stock Companies Winding-up Amendment Act, 1849."

Act not to apply to Scotland.

XL. And be it enacted, That this Act shall not apply to *Scotland*, except so far as by this Act or by the said Joint Stock Companies Winding-up Act, 1848, is specially provided.

Act may be amended, &c.

XLI. And be it enacted, That this Act may be amended or repealed by any Act to be passed in this Session of Parliament.

## SCHEDULES to which the foregoing Act refers.

### SCHEDULE (A.)

*Advertisement in Newspapers of Petition for Dissolution and winding up, or winding up.*

In the Matter of the Joint Stock Companies Winding-up Acts, 1848 and 1849, and of the Company.

NOTICE is hereby given, That a Petition for the Dissolution and winding up [*or* for the winding up, *as the Case may be,*] of the above-named Company was, on the Day of 184 , presented to the Lord Chancellor [*or* Master of the Rolls, *as the Case may be, specifying whether in England or Ireland*], by [*Names of the Petitioner or Petitioners*], and that it is expected such Petition will be heard before the [Master of the Rolls, *or* the Vice Chancellor, *as the Case may be, specifying the Name or Title of the Vice Chancellor*], on the Day of 184 , and any Person desirous to oppose the making of an Order absolute for the Dissolution and winding up [*or* winding up, *as the Case may be,*] of the said Company under the said Acts should appear at the Time of hearing, by himself or his Counsel, for that Purpose, and a Copy of the Petition will be furnished to any Contributory of the said Company requiring the same by the undersigned, on Payment of the regulated Charge for the same.

*A. B., or C.* and *D.*, Solicitors for the Petitioners [*adding their Place of Business*].

### SCHEDULE (B.)

*Affidavit verifying Petition for Dissolution and winding up, or winding up.*

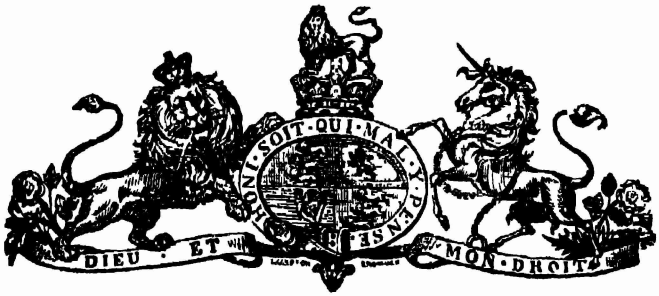
In the Matter of the Joint Stock Companies Winding-up Acts, 1848 and 1849, and of the Company.

I *A.B.*, the Petitioner in the above-written [*or* annexed, *as the Case may be,*] Petition, make Oath and say, That so much of the above-

above-written [*or* annexed, *as the Case may be,*] Petition as relates to my own Acts and Deeds is true, and so much thereof as relates to the Acts and Deeds of any other Person I believe to be true.

Sworn, *&c.*

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.




ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. CIX.

### An Act to amend an Act to regulate certain Offices in the Petty Bag in the High Court of Chancery, the Practice of the Common-Law Side of that Court, and the Enrolment Office of the said Court. [1st *August* 1849.]

WHEREAS an Act was passed in the last Session of Parliament, intituled *An Act to regulate certain Offices in the Petty Bag in the High Court of Chancery, the Practice of the Common-Law Side of that Court, and the Enrolment Office of the said Court:* And whereas it is expedient to repeal some of the Provisions of the said Act, and to enact other Provisions in lieu thereof: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That the said recited Act, except so much thereof as relates to abolishing the Offices of the Senior, Second, and Third Clerks of the Petty Bag of the said High Court of Chancery, and providing Compensation to the said Senior and Second Clerks, to the Appointment of an Officer of the said Court to be and be called "The Clerk of the Petty Bag," and

11 & 12 Vict. c. 94.

Recited Act repealed.

and to the Appointment of *Francis George Abbott* as such Clerk of the Petty Bag, shall be and the same is hereby repealed: Provided nevertheless, that the Repeal of the said Act shall not revive any of the Offices or authorize the taking of any Fees thereby abolished, or invalidate or affect any Appointment, Proceeding, Enrolment, Act, Matter, or Thing already made or done, or any Proceeding already commenced or instituted, under the said Act, but all such Appointments, Proceedings, Enrolments, Acts, Matters, and Things shall be as good, valid, and effectual, to all Intents and Purposes, as if the said Act had not been repealed, and all such Proceedings shall be carried on, prosecuted, and conducted (in any Case in which the same may be inconsistent with the Provisions of or not provided for in this Act) in the same Manner as they would have been carried on, prosecuted, or conducted if the said Act had not been repealed.

Clerk of the Petty Bag to execute his Duties in Person, except in case of Sickness, &c., when he may appoint a Deputy, with Consent of the Master of the Rolls.

II. And be it enacted, That the Clerk of the Petty Bag for the Time being shall execute and perform the Duties of his Office in Person, and not by Deputy: Provided always, that whenever the Clerk of the Petty Bag for the Time being, by reason of Sickness or other unavoidable Cause, shall be unable to perform the Duties of or shall have occasion to be absent from the Business of his Office, it shall be lawful for such Clerk, by any Writing under his Hand, with the Approbation of the Master of the Rolls, in Writing under his Hand, to appoint to be his Deputy such Person, and for such Time, to be limited in such Appointment and Approbation, as the Master of the Rolls shall or may approve of as fit and proper for that Purpose: Provided also, that whenever the said Clerk for the Time being shall from any Cause be unable to execute or perform or be absent from the Attendance upon the Duties of his Office, without having appointed or renewed the Appointment of a Deputy in manner aforesaid, it shall be lawful for the Master of the Rolls, by any Writing under his Hand, to appoint such Person to be and act as the Deputy of such Clerk during such Inability or Absence of the said Clerk for the Time being as the said Master of the Rolls shall think fit; and every Deputy appointed in manner aforesaid, and who shall accept of such Appointment, shall during the Time for which he shall be appointed have and possess all and every of the same or the like Powers and Authorities as the Clerk of the said Petty Bag for the Time being, and shall perform and be subject to all and every of the like Duties and Regulations as the said Clerk for the Time being; and every Deputy appointed in manner aforesaid shall be paid such Sum out of the Salary of his Principal as the Master of the Rolls shall by any Writing under his Hand direct; and

and the Appointment and Approbation of every such Deputy as aforesaid shall be filed of Record, and preserved in the Office of the Petty Bag, or such other Office as the Master of the Rolls shall order or direct.

Clerk of Petty Bag to hold Office during good Behaviour, and on Vacancy to be filled up by the Master of the Rolls.

III. And be it enacted, That whenever and so soon as any Vacancy shall occur in the Office of the said *Francis George Abbott* or any future Clerk of the Petty Bag, whether by Death, Resignation, Removal, or otherwise, the Master of the Rolls shall, by some Writing under his Hand, appoint some fit and proper Person to be Clerk of the Petty Bag, every Person so appointed being a Person who for the Space of Five Years has been an Attorney of One of Her Majesty's Superior Courts of Common Law, or a Solicitor of the High Court of Chancery, and has during that Period actually practised as such Attorney or Solicitor, and for whose Appointment no pecuniary or other Consideration whatsoever shall be directly or indirectly paid, given, or received; and the said *Francis George Abbott*, and every qualified Person so appointed as aforesaid, shall hold his Office during good Behaviour, and shall or may be removed from his Office by the Master of the Rolls, with the Consent and Approbation of the Lord Chancellor, for such Misconduct or other Cause as by him shall be deemed sufficient to justify such Removal; and every such Appointment of a Clerk as aforesaid, and every Order for the Removal of a Clerk from his Office, shall be filed of Record in the said Office, or such other Office of the said Court as the said Master of the Rolls shall order or direct.

Clerk of the Petty Bag to perform all the Duties and be subject to all the Regulations of the Senior and other Clerks, but not to be an Attorney of the Court.

IV. And be it enacted, That the Clerk of the Petty Bag for the Time being appointed by or in pursuance of the said recited Act on of this Act shall have, possess, and exercise all and every of the Powers, Authorities, Rights, and Privileges which before the passing of the said recited Act have been held, possessed, or exercised by the said Senior, Second, and Third Clerks; and the said Clerk of the Petty Bag for the Time being shall also perform and be subject and liable to all and every of the Services, Duties, and Regulations which the said Senior, Second, and Third Clerks, or any of them, but for the passing of the said recited Act, would have been bound to perform or be subject or liable to: Provided always, that the said Clerk of the Petty Bag for the Time being shall not by virtue of his Office be an Attorney of the said Court, and shall not, directly or indirectly, by himself or together with any Partner, in his own Name or in the Name of any other Person, practise, be, or act as the Attorney, or the Agent of any Attorney, of any Person whomsoever, in, about, or for the Purpose of any Action, Suit, Writ, Proceeding, Matter, or Thing in

in the said Office of the Petty Bag, or upon or in the Common-Law Side of the said Court of Chancery.

Clerk of the Petty Bag not to act as Attorney or Solicitor.

V. And be it enacted, That no Person to be appointed to the Office of Clerk of the Petty Bag at any Time after the said *Francis George Abbott* shall have ceased to hold the said Office shall at any Time whilst he shall continue to hold the said Office, either directly or indirectly, by himself or together with any Partner or Person, in his own Name or in the Name of any other Person, practise or act as an Attorney or Solicitor, or as the Agent of the Attorney or Solicitor, in any Court of Law or Equity: Provided also, that in case the Salary payable to the said *Francis George Abbott* in pursuance of this Act shall at any Time hereafter be increased so as to amount to Eight hundred Pounds *per Annum*, then and in such Case the said *Francis George Abbott* shall not at any Time whilst he shall continue to hold the said Office, either directly or indirectly, by himself or together with any Partner or Person, or other Person, in his own Name or in the Name of any other Person, practise or act as an Attorney or Solicitor, or as the Agent of any Attorney or Solicitor, in any Court of Law or Equity.

Salary of Clerk of Petty Bag.

VI. And be it enacted, That out of the Fund standing to the Credit of the Accountant General of the Court of Chancery intituled "The Suitors Fee Fund Account" there shall be paid (but subject and without Prejudice to the Payment of all Salaries and Sums of Money which by any Act or Acts now in force are directed or authorized to be paid thereout) by the Governor and Company of the Bank of *England*, by virtue of any Order or Orders to be made from Time to Time by the Lord Chancellor, to the said Clerk of the Petty Bag the yearly Sum or Salary of Six hundred Pounds, such yearly Sum or Salary to be payable free from all Taxes, Deductions, and Abatements whatsoever out of the same or any Part thereof, the said Salary to commence and be computed from the First Day of *January* One thousand eight hundred and forty-nine, and to be payable and paid by equal quarterly Payments on the First Day of *January*, the First Day of *April*, the First Day of *July*, and the First Day of *October* in every Year: Provided always, that in case the Lord Chancellor shall, with the Advice and Assistance of the Master of the Rolls for the Time being, at any Time or Times hereafter, transfer to the said Office of the Petty Bag any further or other Portion of the Business of or in the said Court of Chancery, or shall assign any Business or Service for the Suitors of the said Court of Chancery to be done or transacted by the said Clerk of the Petty Bag, then and in every such Case it shall be lawful for the said

Lord Chancellor (if he shall think fit) to order and direct that the Salary of the said Clerk of the Petty Bag shall be increased to such Amount, not exceeding Eight hundred Pounds *per Annum*, and shall be payable and paid out of the said Fund intituled "The Suitors Fee Fund Account" (but subject as aforesaid), as the Lord Chancellor shall think proper and reasonable, having due Regard to the whole of the Duties to be performed by such Clerk; and that in the event of the Death, Resignation, or Removal of the said *Francis George Abbott*, or of any Officer appointed under this Act, in the Interval between any of the quarterly Days of Payment on which his Salary is hereby made payable, the Officer so resigning or being removed, or the Executors or Administrators of the Officer so dying, shall be entitled to receive and shall be paid such proportionate Part of his said Salary as shall have accrued from the next preceding quarterly Day of Payment to the Day of such Death, Resignation, or Removal, and the Person who shall be appointed to succeed any such Officer so dying, resigning, or being removed as aforesaid shall be entitled to receive and be paid such Portion of the said Salary as shall accrue from the Day of his Appointment to the next succeeding quarterly Day of Payment.

Clerk of Petty Bag may appoint such Clerks to assist him as the Master of the Rolls may direct to be paid by Salary.

VII. And be it enacted, That the Clerk of the Petty Bag may appoint to assist him in the Business of his Office such Clerk or Clerks as the Master of the Rolls shall from Time to Time by any Order direct, and may from Time to Time remove any such Clerk, and fill up all Vacancies in the Office of such Clerks, whether occasioned by Death, Resignation, or Removal; and that every such Clerk shall be entitled under this Act to such Salary as the Lord Chancellor shall, with such Advice and Assistance as aforesaid, by any Order direct; provided that if there shall be only One such Clerk his Salary shall not exceed the Sum of Two hundred and fifty Pounds *per Annum*, and that if such Clerks shall be more than One at the same Time the Amount of such Salaries shall not in any One Year exceed the Sum which, if equally divided between them, would admit of a Salary of Two hundred and fifty Pounds for each such Clerk, and that such Salary or Salaries shall be paid and payable out of the said Fund intituled "The Suitors Fee Fund Account," by virtue of any Order or Orders to be made from Time to Time by the Lord Chancellor, the said Salary or Salaries to commence and be computed from the said First Day of *January* One thousand eight hundred and forty-nine, and to be payable and paid by equal quarterly Payments on the said quarterly Days as herein-before mentioned.

Salaries and Expenses to be paid out of the Suitors Fee Fund.

VIII. And be it enacted, That it shall be lawful for the Lord Chancellor, by virtue of any Order made for that Purpose, to order Payment, at such Times and in such Manner, and out of the said Fund

Fund intituled "The Suitors Fee Fund Account," (but subject as aforesaid,) of all such Sums as shall appear to him to be reasonable and proper to be paid for the writing and copying of Office Copies of Records, and ingrossing Patents, Writs, and other Documents to be prepared in the said Office, and for the drawing and copying of Plans attached to such Office Copies, and for Books, Stationery, Coals, Candles, and other necessary Articles for the said Petty Bag Office, and for Payment of Wages to a Laundress and Office Keeper for the Care and cleaning of the said Petty Bag Office, and for all Expenses incident to the Discharge of the Duties of the said Office.

Penalty on Officers for taking Gratuities, &c.

IX. And be it enacted, That if any Officer or Clerk of the said Court, appointed or to be appointed under or by virtue of the said recited Act or of this Act, shall, for anything done or pretended to be done relating to his Office or Employment, or under colour of doing anything relating to his Office or Employment, or for forbearing to do any Act properly appertaining thereto, demand or accept, or allow any Person whatsoever to take for him or on his Account, or for or on account of or in trust for him, or any other Person named by him, any Gratuity, Perquisite, or Reward, or anything of Value other than and except the lawful Fees of his Office for which he is accountable, and the Salary or Remuneration allowed or to be allowed to such Officer or Clerk, it shall be lawful for the Master of the Rolls, with the Consent and Approbation of the Lord Chancellor, and he is hereby empowered and required, in every such Case, upon his being satisfied that any such Officer or Clerk charged with any such Offence is guilty thereof, to remove him from his Office or Employment; and every Person so removed shall be and he is hereby rendered incapable for ever thereafter of holding any Office, Situation, or Employment in any of the Courts of Law or Equity in the United Kingdom, or of otherwise serving Her Majesty, Her Heirs or Successors, in any Manner whatsoever; and every Order for removing any such Officer or Clerk as aforesaid shall be filed of Record in such Office as the Master of the Rolls shall order or direct.

Power to Lord Chancellor and Master of the Rolls to regulate the Transfer of Business from Time to Time.

X. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls for the Time being, from Time to Time to transfer any of the Business heretofore done in the said Office of the Clerk of the Petty Bag to any other Office of the High Court of Chancery, and to transfer any Portion of the Business of any other Office of the High Court of Chancery to the Office of the Clerk of the Petty Bag, and thereupon the Officers respectively charged with the Duties of such Offices to which such Business shall be transferred shall do and perform the Duties consequent on such Transfer in like Manner as if the same had been theretofore performed in such Office to which the same shall be transferred,

transferred, subject to such Regulations, as to the Payment of Fees and otherwise, as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall order or direct.

Seal of Office to be provided and kept, and may be cancelled or altered from Time to Time.

XI. And be it enacted, That a Seal shall be provided and kept for the said Court, which shall be and be called the Chancery Common-Law Seal, and such Seal shall be in such Form as the Lord High Chancellor, with the Advice and Assistance of the Master of the Rolls, shall or may from Time to Time order or direct; and the said Lord Chancellor, with such Advice and Assistance as aforesaid, shall or may from Time to Time order or direct that any Seal for the Time being so provided or kept as aforesaid shall be cancelled or laid aside, and another Seal substituted, kept, and used in lieu thereof; and all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever shall take notice of the said Seal, and receive Impressions thereof in Evidence, in like Manner as Impressions of the Great Seal are received in Evidence, and shall also take notice of and receive in Evidence, without further Proof, all and every of such Writs, Proceedings, Instruments, Documents, and Writings whatsoever which shall purport or appear to be sealed or stamped with the said Chancery Common-Law Seal for the Time being, in like Manner as if the same had been sealed with the Great Seal.

Certificates of Enrolment in the Petty Bag Office.

XII. And be it enacted, That the Clerk of the Petty Bag shall, upon Request, and Payment of the proper Fees payable in respect thereof, indorse or write upon every Specification which at any Time heretofore has been enrolled in the Petty Bag Office (provided the Enrolment shall then be in his Custody), and upon every Deed, Instrument in Writing, and Document which at any Time heretofore has been or at any Time hereafter shall be enrolled in the Petty Bag Office, a Certificate stating that such Specification, Deed, Instrument in Writing, or Document has been or was enrolled in the said Petty Bag Office, and the Day of such Enrolment, and shall cause such Certificate to be sealed or stamped with the said Chancery Common-Law Seal; and every such Certificate purporting or appearing to be so sealed or stamped shall be admitted and received in Evidence as well before either House of Parliament as also before any Committee thereof, and also by and before all Courts, Tribunals, Judges, Justices, and other Persons whomsoever, without further Proof, and as sufficient *primâ facie* Evidence that the Specification, Deed, Instrument in Writing, or Document therein mentioned was duly enrolled in the Petty Bag Office on the Day mentioned in such Certificate.

Copies of Documents sealed to be

XIII. And be it enacted, That every Office Copy issued from the Petty Bag Office shall be sealed with the said Chancery Common-Law

received as Evidence without further Proof.

Law Seal for the Time being; and every Document sealed with such Seal, and purporting to be a Copy of any Record or other Document of any Description, shall be deemed to be a true Copy of such Record or other Document, and shall, without further Proof, be admissible and admitted and received in Evidence, as well before either House of Parliament as also before any Committee thereof, and also by and before all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever, in like Manner and to the same Extent and Effect as the original Record or other Document would or might be admissible or admitted or received if tendered in Evidence, as well for the Purpose of proving the Contents of such Record or other Document, as also proving such Record or other Document to be a Record or Document of or belonging to the said Court of Chancery, but not further or otherwise.

Writs, &c. issued out of Petty Bag Office to be sealed with the Chancery Common-Law Seal.

XIV. And be it enacted, That all Rules and Orders issued out of the Petty Bag Office, and all such Writs, Records, Instruments, Documents, Proceedings, and Writings as are or have been usually issued or delivered out of the Petty Bag Office, and made under or sealed with the Great Seal, except the Congé d'elire, Royal Assent, Patent of Assistance, and Writs of Restitution of Temporalities on the Election of an Archbishop or Bishop, Special Commissions of Inquiry, Writs of Mittimus to the Lord Chancellor of *Ireland*, Exemplifications, and Writs of Summons and Writs of Election issued on the calling of a new Parliament, shall be made under or sealed or stamped with the said Chancery Common-Law Seal for the Time being; and every Writ, Record, Document, Instrument, Proceeding, and Writing which shall or may be made under or sealed or stamped with the said Chancery Common-Law Seal for the Time being shall be of the like Validity and shall have the same Force and Effect as if the same had been or were made or sealed with the Great Seal.

Specifications to be enrolled in the Enrolment Office.

XV. And be it enacted, That every Specification or Instrument in Writing for describing or ascertaining any Invention, and to be enrolled in Chancery in pursuance of Letters Patent under the Great Seal, shall be enrolled in the Enrolment Office of the Court of Chancery; and every Disclaimer and Memorandum of Alteration to be enrolled in pursuance of an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions*, shall also be enrolled in the said Enrolment Office, whether the Specification of the Invention to which such Disclaimer or Memorandum of Alteration shall relate shall or shall not have been enrolled in the said Enrolment Office; and the Enrolment of every such Disclaimer

5 & 6 W. 4. c. 83.

claimer and Memorandum of Alteration in the said Enrolment Office shall be and be deemed to be the Enrolment thereof in the proper Office in pursuance of the Provisions of the said Act.

For enlarging Offices of the Six Clerks. 15 G. 3. c. 56.

XVI. And whereas by an Act passed in the Fifteenth Year of the Reign of King *George* the Third, intituled *An Act for applying the Funds provided for rebuilding the Offices of the Six Clerks of the King's Court of Chancery by an Act made in the Fourteenth Year of the Reign of His present Majesty, intituled 'An Act for 'rebuilding the Office of the Six Clerks of the King's Court of 'Chancery, and for erecting Offices for the Register and Accountant 'General of the said Court, for the better preserving the Records, 'Decrees, Orders, and Books of Account kept in such Offices,' in building Offices for the said Six Clerks in the Garden of* Lincoln's Inn, *instead of rebuilding the present Six Clerks Office in* Chancery Lane, *and for other Purposes*, a Piece of Ground belonging to the Honourable Society of *Lincoln's Inn*, containing in Length from East to West on the South Side thereof Fifty-four Feet Six Inches of Assize, abutting South on a Piece of Ground then sold by the said Society for the Purpose of the Six Clerks Office and an Enrolment Office being erected thereon, East on *Chancery Lane*, North on the North Wall of the Garden of the said Society, and West on Ground belonging to the said Society, was vested in the said Six Clerks, to hold to them and their Successors for ever, but it was thereby provided and enacted (amongst other things) that no Building whatsoever should be erected within Thirty Feet of the Western Boundary of such Piece of Ground: And whereas by an Act passed in the Fifth and Sixth Years of the Reign of Her present Majesty, intituled *An Act for abolishing certain Offices of the High Court of Chancery in* England, the Ground and Hereditaments by the last-recited Act vested in the Six Clerks were vested in the Accountant General of the said Court of Chancery, and his Successors in the said Office for ever: And whereas the said Enrolment Office now forms the Southern Boundary of that Portion of the said Piece of Ground whereon no Building was to be erected as aforesaid, and which Portion has ever since remained and still is vacant: And whereas it has become requisite, for the due Performance of the Business of such Office, that the same should be enlarged; but such Enlargement cannot be conveniently effected without building upon such vacant Piece of Ground: And whereas the said Society have consented to the same being built upon, in manner herein-after mentioned: Be it therefore enacted, That it shall be lawful for the Lord High Chancellor to cause to be erected on that Part of the said vacant Piece of Ground adjoining to the said Enrolment Office a Room or Building

5 & 6 Vict. c. 103.

Building according to the Plan and Dimensions following; that is to say, the Height thereof is not to exceed Twelve Feet, the Length thereof is not to exceed Twenty-three Feet, and the Width thereof is not to exceed Sixteen Feet, the Flue or Chimney Shaft of the Building is to be carried at the Back, and to form Part of and to be uniform with and not to exceed in Height the Stack of Chimnies now standing at the North End of the said Enrolment Office, and the Windows thereof are to face the North, and no Flue, Chimney, or Windows are to be made on any other Side or Part thereof, and the Western Wall thereof is to be not less than Four Feet from the Western Boundary of the said Piece of Ground: Provided nevertheless, that, save as aforesaid, the Provisions and Restrictions contained in the said recited Act of the Fifteenth Year of the Reign of King *George* the Third respecting the said Piece of Ground shall continue in force, to all Intents and Purposes and in like Manner as if this Act had not been passed; and it shall be lawful for the Lord Chancellor, by virtue of any Order made for that Purpose, to order Payment, at such Times and in such Manner, and out of the said Fund entitled "The Suitors Fee Fund Account," but subject as aforesaid, of all such Sums as shall appear to him to be reasonable and proper to be paid for or in respect of the Erection of such Room or Building as aforesaid.

Seal as approved by Master of the Rolls to be provided for the Enrolment Office.

XVII. And whereas it is expedient to facilitate the Proof of the due Enrolment of Specifications, Deeds, and other Instruments in the said Enrolment Office, and also of Copies of the Enrolments thereof: Be it therefore enacted, That such a Seal or Stamp as the Master of the Rolls shall approve of shall be provided and kept in the said Enrolment Office; and from Time to Time, when the Master of the Rolls shall think fit, a new Seal or Stamp shall be provided in place of any Seal or Stamp for the Time being kept and used in the said Office, and whenever any new Seal or Stamp shall be so provided the old Seal shall be forthwith cancelled; and the Seal for the Time being kept and used in the said Enrolment Office in pursuance of this Act shall be and be called the Seal of the Enrolment Office in Chancery, and all Courts and other Tribunals, Judges, Justices, Officers, and other Persons whomsoever, shall take notice of the said Seal of the Chancery Enrolment Office, and shall take notice of and receive in Evidence every Instrument and Writing purporting or appearing to be sealed or stamped therewith, without Proof that the same has been so sealed or stamped.

Certificates of Enrolment to be given,

XVIII. And be it enacted, That the Clerk of the said Enrolment Office, or his Deputy or Assistant, shall, upon Request, and Payment of

of the proper Fees payable in respect thereof, indorse or write upon every Deed, Specification, Instrument in Writing, and Document which at any Time heretofore has been or at any Time hereafter shall be enrolled in the said Enrolment Office, a Certificate that such Deed, Specification, Instrument in Writing, or Document has been or was enrolled in Chancery, and the Day on which such Enrolment was made, and shall cause such Certificate to be sealed or stamped with the said Seal of the Chancery Enrolment Office; and every such Certificate purporting or appearing to be so sealed or stamped shall be admitted and received in Evidence by all Courts and other Tribunals, Judges, Justices, and others, without further Proof, and as sufficient *primâ facie* Evidence that the Deed, Specification, Document, or Instrument in Writing therein mentioned was duly enrolled in the Court of Chancery on the Day and at the Time mentioned in such Certificate.

and, when sealed, shall be admitted as Evidence.

XIX. And be it enacted, That every Document or Writing sealed or stamped or purporting or appearing to be sealed or stamped with the said Seal of the Chancery Enrolment Office, and purporting to be a Copy of any Enrolment or other Record, or of any other Document or Writing of any Description whatsoever, including any Drawings, Maps, or Plans thereunto annexed or indorsed thereon, shall be deemed to be a true Copy of such Enrolment, Record, Document, or Writing, and of such Drawing, Map, or Plan (if any) thereunto annexed, and shall, without further Proof, be admissible and admitted Evidence, as well before either House of Parliament as also before any Committee thereof, and also by and before all Courts, Tribunals, Judges, Justices, Officers, and other Persons whomsoever, in like Manner and to the same Extent and Effect as the original Enrolment, Record, Document, or Writing could or might be admissible or admitted in Evidence, as well for the Purpose of proving the Contents of such Enrolment, Record, Document, or Writing, and the Drawing, Map, or Plan (if any) thereunto annexed, as also proving such Enrolment, Record, Document, or Writing to be an Enrolment, Record, Document, or Writing of or belonging to the said Court of Chancery, and that such Enrolment, Record, Document, or Writing was made, acknowledged, prepared, filed, or entered on the Day and at the Time when the original Enrolment, Record, Document, or Writing shall purport to have been made, acknowledged, prepared, filed, or entered.

Copies of Enrolments stamped with Seal of Enrolment Office to be admitted in Evidence.

XX. And be it enacted, That if any Person shall falsely make, forge, or counterfeit any Seal made, provided, used, or kept in pursuance of this Act for or in the said Court or any Office thereof, or shall falsely make or alter any Seal so as to resemble, purport, or appear

Punishment for forging or altering any Seal or Document.

appear to be a Seal made, provided, used, or kept in pursuance of this Act or for or in the said Court or any Office thereof, or shall use or tender in Evidence or utter any Impression made by any Seal so falsely made, forged, counterfeited, or altered as aforesaid, knowing the same to have been so falsely made, forged, counterfeited, or altered as aforesaid, or shall forge or shall unlawfully and falsely make or alter any Writ, Record, Document, Instrument, Proceeding, or Writing of or belonging to or made or prepared in or issuing out of, or appearing or purporting to be of or belonging to or made or prepared in or issuing out of, any such Office as aforesaid, or out of the said Court of Chancery, or shall use or tender in Evidence or utter any Writ, Record, Document, Instrument, Proceeding, or Writing so unlawfully or falsely made or altered as aforesaid, knowing the same to have been so unlawfully or falsely made or altered, or shall unlawfully and falsely seal or stamp with any Seal made, prepared, kept, or used for or in any of the said Offices, or for or in the said Court of Chancery, any Writ, Record, Document, Instrument, Proceeding, or Writing purporting or appearing to be or resembling, or intended to purport or appear to be or resemble, a Writ, Record, Document, Instrument, Proceeding, or Writing of or belonging to or made or prepared in or issuing out of any of the said Offices or the said Court of Chancery, or shall fraudulently use or tender in Evidence or utter any Writ, Record, Document, Instrument, Proceeding, or Writing so unlawfully or falsely sealed or stamped as aforesaid, then and in every such Case every Person so offending, and every Person knowingly and willingly aiding, abetting, or assisting any Person in committing any such Offence, and being thereof lawfully convicted, shall be adjudged guilty of Felony.

Power to Lord Chancellor, &c. to fix a Table of Fees.

XXI. And be it enacted, That it shall and may be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, and he is hereby required, from Time to Time, to establish and ordain a Table of Fees to be thereafter taken by the said Clerk of the Petty Bag, and for the Lord Chancellor, with such Advice and Assistance as aforesaid, from Time to Time afterwards to vary and modify the same as he shall think fit, and the Fees so for the Time being established or ordained shall be deemed and taken to be the lawful Fees of the Petty Bag Office: Provided always, that no Fees whatever shall be demanded or received by the Clerk of the Petty Bag, or by any Person employed by him in the said Office, for or in respect of any Act, Duty, or Service required to be done, performed, or rendered by him, them, or any of them in the course of any Proceedings carried on in the said Office directly at Her said Majesty's Instance, Suit, and Charge, except such Fees as have been heretofore

No Fees to be taken in respect of Duties performed at Her Majesty's Suit

heretofore payable out of the Hanaper for the Writs of Summons and Writs of Election and other Fees on the calling of a new Parliament; and the said Clerk of the Petty Bag, and the several Persons employed by him in the said Office, are hereby authorized and required to perform and render such Acts, Duties, and Services as may be required in the course of such last-mentioned Proceedings, without Payment of any Fee whatsoever in respect thereof, except as aforesaid.

Clerk of Petty Bag to receive and pay over certain Monies.

XXII. And be it enacted, That nothing herein contained shall prohibit the said Clerk of the Petty Bag from receiving the annual Payments or Allowances heretofore receivable by the Clerks of the Petty Bag from the Hanaper, or any Sum or Sums of Money which shall from Time to Time become payable out of the Fees on the Admission of Solicitors, by virtue of any Order or Orders to be made in respect thereof; and all such Monies shall be taken to be Fees received by the said Clerk in his Office, or by virtue thereof, to be accounted for as herein-after mentioned.

Clerk of Petty Bag to keep Accounts of Fees received, and pay the same into the Suitors Fee Fund.

XXIII. And be it enacted, That the said Clerk of the Petty Bag shall cause a true and accurate Account to be kept of all Fees received in his Office or by virtue thereof, and shall pay the full and just Amount of such Fees into the Bank of *England*, to be placed to the Account there standing in the Name of the Accountant General intituled "The Suitors Fee Fund Account," at such Times and under such Regulations as the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, shall by any Order direct.

Solicitors to be entitled to practise as Attornies in the Common-Law Side of Chancery.

XXIV. And be it enacted, That every Person who has heretofore been admitted a Solicitor of the said Court of Chancery, and who is now a Solicitor of the said Court, shall by virtue of his Admission and this Act become and be an Attorney of the said Court, and every Person hereafter to be admitted a Solicitor of the said Court shall by virtue of such Admission become an Attorney of the said Court, and the Solicitor of Her Majesty, the Solicitor of each of the several public Boards of this Realm, and every Person so to become an Attorney of the said Court as aforesaid, shall be allowed and entitled to practise as an Attorney on the Common-Law Side of the said Court of Chancery, any Law or Usage to the contrary notwithstanding, upon Payment, nevertheless, of such Fees as shall or may be payable in respect of the Business transacted by the said Attornies; and all such Documents, Proceedings, Writings, Acts, Duties, Services, Matters, and Things as before the passing of the said recited Act were or ought to be prepared, conducted, done, or performed by the said Senior, Second, and Third Clerks of the Petty Bag respectively,

tively, as the Attornies of or for their Clients respectively, shall or may from and after the passing of this Act be prepared, conducted, done, and performed by such Clients respectively in their own proper Persons, or by some Person who shall become or be admitted and actually be an Attorney of the said Court by virtue of this Act, and not by any other Person whomsoever.

Same Costs to be allowed as in Courts of Common Law.

XXV. And be it enacted, That every Attorney or Party practising on the Common-Law Side of the Court of Chancery shall be entitled to charge and be paid and allowed such Costs, Fees, and Charges for the Transaction of Business on the Common-Law Side of the said Court as is or are allowed to Attornies or Parties for Business of a similar Nature in Her Majesty's Superior Courts of Common Law.

Writs may be tested in Term-Time or in Vacation.

XXVI. And be it enacted, That every Writ of any Description whatsoever hereafter to be issued out of the said Office of the Petty Bag shall or may be issued or tested on any Day, not being a *Sunday*, *Good Friday*, or *Christmas Day*, whether such Day shall be in Term-Time or in Vacation; and every such Writ so issued or tested on any Day in Vacation, and which, according to any present Law or Usage or Practice of or in the said Court of Chancery, ought to be tested on some Day in Term-Time, shall be of the like Validity, Force, and Effect as if the Day of the issuing or testing of such Writ was actually a Day in Term-Time.

Writs may be made returnable in Term-Time or in Vacation.

XXVII. And be it enacted, That every Writ of any Description whatsoever hereafter to be issued out of the said Office of the Petty Bag, whether the same shall or may be returnable in the same Court or in any other of Her Majesty's Superior Courts of Common Law, shall or may be made returnable and returned on any Day certain to be in such Writ mentioned (not being a *Sunday*, *Good Friday*, or *Christmas Day*), whether such Day shall be in Term-Time or in Vacation, or forthwith after the Execution thereof; and every such Writ which shall be made returnable or returned on any Day in Vacation, and which, according to any present Law or Usage or Practice of or in the said Office of the Petty Bag, ought to be made returnable or to be returned on some Day in Term-Time, shall be of the like Validity, Force, and Effect as if the Day upon which the same Writ shall or may be returned or made returnable was actually a Day in Term-Time: Provided always, that in every Case in which any particular Period of Time ought to elapse between the Teste and Return of any Writ, such Writ, if made returnable forthwith after the Execution thereof, shall be returned immediately after the Execution thereof, and after such Period shall have elapsed.

XXVIII. And be it enacted, That every Rule, Order, Pleading, Judgment, Execution, Proceeding, Act, Business, Matter, and Thing to be made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in or by the said Court of Chancery at any Time after the passing of this Act, shall or may be so made, taken, transacted, done, or performed on any Day, not being a *Sunday*, *Good Friday*, or *Christmas Day*, whether such Day shall be in Term-Time or in Vacation; and every such Rule, Order, Pleading, Judgment, Execution, Proceeding, Act, Business, Matter, and Thing as aforesaid, which shall be so made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Vacation, or on any Day in Term-Time or in Vacation, and which, according to any present Law, or any present Practice or Usage of the said Office of the Petty Bag, can or ought only to be made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Term-Time, or as in Term-Time, or as on any or some particular Day or Days in Term-Time, shall be of the like Validity, Force, and Effect as if the Day upon which the same shall or may be so made, entered, intituled, filed, given, issued, taken, transacted, done, or performed, was actually a Day in Term-Time, and as if the same was actually made, entered, intituled, filed, given, issued, taken, transacted, done, or performed in Term-Time, and not in Vacation, and the Day or one of the Days in Term-Time required by any such Law, Practice, or Usage as aforesaid.

Proceedings of the Court may be either in Term-Time or in Vacation.

XXIX. And be it enacted, That any Writ of Scire facias for repealing, cancelling, or vacating any Letters Patent or Charter, which shall or may at any Time hereafter be issued in any Action at the Suit of Her Majesty, hereafter to be commenced, shall or may be directed and sent to the Sheriff of any County in *England* or *Wales*, although the Record upon which such Writ shall be founded or issued may be or remain in the County of *Middlesex* or any other County, and that it shall not be necessary that any such Writ which at any Time hereafter may be issued and directed to the Sheriff of any such County as aforesaid shall be a Testatum Writ, or founded upon any previous Writ directed or sent to the Sheriff of *Middlesex* or any other County.

Writs of Scire facias may be directed to Sheriff of any County.

XXX. And be it enacted, That in case any Defendant in any Action, Suit, or Proceeding already or hereafter to be commenced shall appear on the Common-Law Side of the Court of Chancery, in Person or by Attorney, to answer in such Action, Suit, or Proceeding, it shall not be necessary to file any Declaration, but the Plaintiff or Prosecutor, or his Attorney, shall deliver the Declaration to such Defendant or his Attorney, and shall also at the same

Declarations, to be delivered, and not filed.

same Time, in any Action of Scire facias to repeal Letters Patent for Inventions, deliver to such Defendant or his Attorney the Notice of Objections (if any) required by the Provisions of an Act passed in the Sixth Year of the Reign of His late Majesty King *William* the Fourth, intituled *An Act to amend the Law touching Letters Patent for Inventions*, and it shall not be necessary at any Time hereafter to file any Notice of Objections required by the said last-mentioned Act, but only to deliver the same to the Defendant or his Attorney, as required by this Act; and that on the Traverse of an Inquisition found the Traverse shall be filed in the Petty Bag Office, and the Traverser or his Attorney shall deliver a Copy thereof to the opposite Party or his Attorney.

5 & 6 W. 4. c. 89.

Pleadings to be delivered, and not filed.

XXXI. And be it enacted, That in any such Action, Suit, or Proceeding as aforesaid no Demurrer, nor any Plea or Pleading subsequent to the Declaration or Traverse, shall be filed in the said Office of the Petty Bag or otherwise in the said Court of Chancery; and that in every such Action, Suit, or Proceeding every such Demurrer, Plea, and subsequent Pleading shall be delivered by the Party demurring or pleading, or his Attorney, to the opposite Party or his Attorney, and that the Issue in any such Action, Suit, or Proceeding shall be delivered only, and not filed, and shall or may be made up and delivered by either Party or his Attorney to the opposite Party or his Attorney.

Issues may be tried in any of the Superior Courts.

XXXII. And be it enacted, That in case any Issue respecting any Matter of Fact to be tried by the Country has at any Time heretofore been or shall at any Time hereafter be joined in any Action, Suit, or Proceeding on the Common-Law Side of the Court of Chancery, then and in every such Case the Record shall be made up and filed in the Office of the Petty Bag; and it shall and may be lawful to try such Issue in Fact in any One of the Three Courts of Queen's Bench, Common Pleas, or Exchequer of Pleas; and in every such Case the Writ of Venire facias juratores for summoning a Jury to try such Issue shall or may be made returnable and returned in such of the said Three Courts as the Issue is intended to be tried in; and a Transcript of the said Record in Chancery, containing such Issue, shall or may thereupon be sent or taken into the Court in which such Writ of Venire facias shall be made returnable, in like Manner as Records containing Issues may now be sent or taken from the Common-Law Side of the said Court of Chancery into the Court of Queen's Bench, and it shall not be necessary to issue any Writ of Mittimus or other Writ for the sending or taking such Transcript into either of the said Courts; and in case such Writ of Venire facias shall be made returnable in either of the said Courts of Common Pleas or Exchequer

Exchequer of Pleas, such Court shall, upon the Transcript of the said Record being brought into such Court, proceed to try such Issue either at Bar or at Nisi Prius, as such Court shall think fit, and in like Manner as such Issue would or might have been tried in the Court of Queen's Bench in case such Writ of Venire facias had been made returnable in that Court, and the said Transcript, or the original Record, had been taken or deemed to be taken by the Lord Chancellor into that Court; and upon any such Transcript as aforesaid being taken or brought into either of the said Courts of Common Pleas or Exchequer of Pleas such Court shall or may issue such Writs, make such Rules, and proceed therein in all respects for the Trial or other lawful Determination of the Issue therein contained, in like Manner as the Court of Queen's Bench could or might have done if such Transcript or the original Record had been taken into the Court of Queen's Bench, and with full Power to set aside or vacate any Trial, Verdict, or other Proceeding, in like Manner as could or might have been done by the said Court of Queen's Bench.

Record of Issue to be filed in the Office of the Petty Bag.

XXXIII. And be it enacted, That in case any Issue or Issues in Law, or Issues both in Fact and in Law, shall be joined in any Action, Suit, or Proceeding on the Common-Law Side of the Court of Chancery, then and in such Case the Record of such Issue or Issues shall be made up and filed in the Office of the Petty Bag, and a Transcript of the said Record shall or may thereupon be sent or taken into any One of the Three Courts of Queen's Bench, Common Pleas, or Exchequer; and such Court shall, upon the Transcript being brought into any such Court, proceed to hear and determine the same, in like Manner as Issues in Law or Issues in Law and Fact from the Common-Law Side of the said Court of Chancery have heretofore been heard and determined in the Court of Queen's Bench.

Superior Courts of Common Law to have same Powers as in Actions pending in their Courts.

XXXIV. And be it enacted, That the said Courts of Queen's Bench, Common Pleas, and Exchequer, and the Judges thereof respectively, shall have the same Power and Authority in respect of the Transcript of any Record brought before them as aforesaid, and the Pleadings, Issues, and Matters therein contained, as they have in respect of the Record in any Action, Suit, or Proceeding commenced or pending in such Court, and the Pleadings, Issues, and Matters in such Record contained: Provided always, that nothing herein contained shall authorize the giving final Judgment in any Case in which the Court of Queen's Bench has not heretofore had such Authority.

Superior Courts to give same Judgment as

XXXV. And be it enacted, That upon the Trial or Determination of any such Issue or Issues as aforesaid had or completed in any Action, Suit, or Proceeding from the Common-Law Side of the Court of

Queen's Bench.

of Chancery, the Court in which such Issue or Issues shall be so tried or determined shall proceed to give Judgment thereon, and execute such Judgment, in like Manner as could or might have been done by the Court of Queen's Bench before the passing of the said recited Act or of this Act.

A Transcript of Proceedings in Courts of Common Law may be taken into Chancery.

XXXVI. And be it enacted, That upon the Trial or Determination of any Issue or Issues by the said Superior Courts of Common Law, or upon any Rule or Order being made or Judgment given in any Action, Suit, or Proceeding in which the Transcript of the Record shall be brought before them as aforesaid, a Transcript of such Judgment, Rule, or Order, and of the Proceedings of the Court of Common Law upon such Issue or Issues, may be taken into the said Court of Chancery, to the end that Judgment may be given or such other Proceeding had in Chancery according to the Law and Custom of *England;* and no Writ of Mittimus or other Writ shall be necessary for the Purpose of remanding or taking a Transcript of the Proceedings in the Superior Courts of Common Law into the said Court of Chancery.

Costs to be taxed.

XXXVII. And be it enacted, That in all Cases where any Party shall be entitled to the Costs of any such Issues, or of any other Proceedings or Matters provided for by this Act, in any of the said Courts, such Costs shall be taxed and regulated by One of the Masters of the said Court respectively, who shall endorse his Allocatur on the Rule or Order, as the Case may be, or upon the Postea, before the same shall be taken or returned into the Court of Chancery as aforesaid.

Writs and Proceedings to be prepared by Parties or their Attorneys.

XXXVIII. And be it enacted, That every Writ which shall or may, at any Time after this Act shall come into operation, lawfully issue out of the said Office of the Petty Bag, under the said Chancery Common-Law Seal, and every Record and Proceeding whatsoever on the Common-Law Side of the said Court of Chancery, shall be prepared, engrossed, and issued by the Party requiring or conducting the same, subject nevertheless to such Rules and Regulations as shall or may be made and for the Time being in force, by virtue of this Act or otherwise, for regulating the Practice of the Common-Law Side of the said Court of Chancery, and also subject to the Payment of such lawful Fees as shall or may be payable for or in respect thereof; and upon Payment of such Fees, and complying with such Rules, such Writs, Records, and Proceedings shall (when necessary, and if lawful and regular,) be duly sealed.

XXXIX. And

XXXIX. And be it enacted, That in every Action, Suit, and Proceeding now pending or which at any Time hereafter shall be commenced or pending in the said Court of Chancery on the Common-Law Side thereof, it shall be lawful for the Superior Courts of Common Law, and the Judges thereof respectively, and they are hereby respectively required, to hear and determine all such Matters or Applications arising in or incident to any such Action, Suit, or Proceeding as aforesaid, as before the passing of this Act might have been heard and determined by the Lord Chancellor and the Master of the Rolls, or either of them, and also to transact, do, and perform all such Business, Matters, and Things in, about, touching, or concerning any Action, Suit, or Proceeding on the Common-Law Side of the said Court of Chancery as by virtue of any Orders or Regulations for the Time being in force by virtue of this Act may be transacted, done, or performed by such Judge; subject nevertheless and according to the Provisions of this Act, and the Laws, Rules, and Regulations for the Time being in force for the Regulation of the said Court and the Practice and Proceedings thereof.

Judges may dispose of Matters raising or incident to any Action on the Common-Law Side of the Court of Chancery.

XL. And be it enacted, That it shall and may be lawful for the Master of the Rolls to make such Rules, Orders, and Regulations from Time to Time for the Transfer, Care, and Custody of the Records, Enrolments, Indexes, Books, Documents, or other Proceedings now or hereafter to be filed, lodged, or be in the said Office of the Petty Bag, or in the Custody of the said Clerk of the said Office, and the Endorsement thereof, and the filing of Writs and other Proceedings, and all other Matters and Things relating to the Matters aforesaid, as to the Master of the Rolls shall seem fit and proper.

Master of the Rolls may make Orders for the Custody, &c. of the Records.

XLI. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, from Time to Time hereafter to make such Alterations, Orders, Rules, and Regulations as he shall, with such Advice and Assistance as aforesaid, think fit, in and respecting the said Office of the Petty Bag, and the Business and Practice thereof, the Duties of the said Clerk, and the Transaction, Management, and Conduct of the Business thereof, and also in and respecting the Modes of suing out, preparing, engrossing, issuing, sealing, signing, serving, executing, and returning Writs, Process, Rules, Notices, and other Instruments issuing out of or authorized or required by the said Court or the Practice thereof, and also from Time to Time to rescind, alter, or vary such Alterations, Orders, Rules, and Regulations: Provided always, that no such Alterations, Orders, Rules, or Regulations as aforesaid shall be contrary to or inconsistent with the Provisions of this Act.

General Rules and Orders may be made

XLII. And

Officers Privilege of suing abolished.

XLII. And be it enacted, That no Person whomsoever who now is or at any Time hereafter shall be an Officer of the said Court of Chancery shall at any Time after the passing of this Act have or be entitled as such Officer to any Privilege of suing or being sued on the Common-Law Side of the said Court of Chancery.

Proviso as to existing Actions by or against Officers.

XLIII. Provided always, and be it enacted, That nothing hereinbefore contained shall hinder or prevent any Action or Suit already commenced by or against any Officer of the said Court of Chancery from being prosecuted, and that the Parties in or to every such Action or Suit shall or may, by themselves or by their Attornies respectively (to be by them respectively appointed), prosecute and defend such Action or Suit, and that Judgment shall or may be given in such Action or Suit, or such Action or Suit otherwise disposed of, in like Manner as if this Act had not been passed; subject nevertheless to such Rules, Orders, and Regulations as shall or may be made in pursuance of this Act.

Parties or Attornies to cause Names to be entered in a Book at the Petty Bag Office.

XLIV. And be it enacted, That every Person, Party to any Action, Suit, or Proceeding now pending in the said Court of Chancery on the Common-Law Side thereof, shall, before taking any fresh Step in or about any such Action, Suit, or Proceeding, cause to be entered in a Book to be kept in the said Petty Bag Office, if he intends to act in Person and not by Attorney therein, his own Name and Address, and if he intends to act by Attorney and not in Person, then the Name and Address of his Attorney; and if any such Person or Attorney resides more than Three Miles from the said Office, some Place within that Distance shall be mentioned and entered in the said Book, at or to which Pleadings, Notices, and other Proceedings may be left or sent for such Person or his Attorney; and every Attorney shall, before he acts as the Attorney of any Person in the said Court, cause to be entered in such Book as aforesaid his Name and also his Address, or some Place at or to which Pleadings, Notices, or other Proceedings may be left for or sent to him.

Affidavits may be sworn before Clerk of Petty Bag.

XLV. And be it enacted, That any Affidavit, Affirmation, or Declaration to be sworn or made or taken, and read or used, in the said Court, shall or may be sworn, made, or taken by or before the Clerk of the Petty Bag for the Time being, who is hereby authorized and required to administer, receive, or take the necessary and proper Oath, Affirmation, or Declaration to every Person desirous of swearing, making, or taking any such Affidavit, Affirmation, or Declaration as aforesaid; and every Person who shall wilfully and corruptly swear, affirm, or declare falsely in any such Affidavit, Affirmation, or Declaration

ration shall be guilty of Perjury, and shall be prosecuted and punished accordingly.

XLVI. And be it enacted, That nothing in this Act expressed or contained shall take away or in anywise diminish or prejudice the Jurisdiction or any of the Powers, Rights, or Privileges of the Lord Chancellor, as Judge of the said Court of Chancery, or otherwise howsoever, or the Jurisdiction or any of the Powers, Rights, or Privileges of the Master of the Rolls, as the Keeper of the Records of the said Court, or as a Master or Judge of the said Court, or otherwise.

Saving the Jurisdiction of Lord Chancellor and Master of the Rolls.

XLVII. And be it enacted, That it shall be lawful for the Lord Chancellor, with the Advice and Assistance of the Master of the Rolls, from Time to Time to ordain, settle, and approve of the Form of any Description of Writ or Writs which may be deemed necessary to be issued for the Purpose of giving Effect to any Description of Judgment, Order, Proceeding, or Matter of or pending in or to be taken in the said Court of Chancery, or for the Furtherance of the Business of or originating in the said Court of Chancery.

Forms of Writs to be settled and approved by Lord Chancellor, &c.

XLVIII. And be it enacted, That every of Her Majesty's Courts of Common Law, and all other Courts, Judges, Officers, and others, shall take cognizance of all and every of the Writs and Proceedings so brought before them as aforesaid, and give effect thereto in such Manner as may be requisite, and, if necessary, the Judges of such Courts respectively shall and they are hereby required to make such Rules and Regulations for the Practice of their respective Courts thereupon as to them respectively shall seem fitting, which shall be signed by the Judge or by the major Part in Number of the Judges of the said Courts respectively, and if there be more than One Judge of any such Court the Chief Judge of such Court (if there be a Chief Judge) shall be One.

Courts of Common Law to take cognizance of Writs.

XLIX. And be it enacted, That all Monies paid into the said Court for Her Majesty's Use shall continue to be received as heretofore by the said Clerk of the Petty Bag, and the several Accounts of Fines, Issues, Amerciaments, Penalties, and Recognizances set, lost, imposed, or forfeited to or for the Use of Her Majesty in the said Office of the Petty Bag, required by any Act now in force to be rendered and made by the said Clerk of the Petty Bag, and all other Acts, Duties, and Services now done, performed, and rendered by the said Clerk of the Petty Bag touching the Receipt and Payment of Monies to or for the Use of Her Majesty, and the Accounts to be rendered thereof, shall continue to be done, performed, and rendered as heretofore by the said Clerk of the Petty Bag.

Monies paid into Court for Her Majesty's Use shall continue to be received as heretofore, &c.

Construction of Terms in this Act.

L. And be it enacted, That in the Construction of this Act the Expression "Her Majesty" shall extend to, include, and mean, not only Her present most Excellent Majesty, but also Her Heirs and Successors; the Expression "Lord High Chancellor," and also the Expression "Lord Chancellor," shall extend to, include, and mean, as well the Lord High Chancellor of *Great Britain* for the Time being as also the Lord Keeper of the Great Seal for the Time being, and also the Lords Commissioners for the Time being for the Custody of the Great Seal of this Realm, and the major Part in Number of such Commissioners; and that the Expression "Court of Chancery" shall mean the High Court of Chancery held before the said Lord Chancellor or Lords Commissioners, or major Part of the said Lords Commissioners; the Expression "Great Seal" shall mean the Great Seal of the United Kingdom of *Great Britain* and *Ireland*; and the Expression "Master of the Rolls" shall mean the Master of the Rolls for the Time being; and also that Words importing Persons only shall extend to Corporations; that Words importing the Singular Number only shall include the Plural Number; and Words importing the Plural Number only shall include the Singular Number; save and except where there shall or may be something in the Subject or the Context repugnant to or inconsistent with any such Construction as aforesaid.

Short Title

LI. And be it enacted, That in citing or referring to this Act in other Acts of Parliament, Notices, written Instruments, or otherwise, it shall be sufficient to use the Expression "The Petty Bag Office and Enrolment in Chancery Amendment Act, 1849."

Act may be amended, &c

LII. And be it enacted, That this Act may be amended or repealed by any Act to be passed during the present Session of Parliament.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1849.

ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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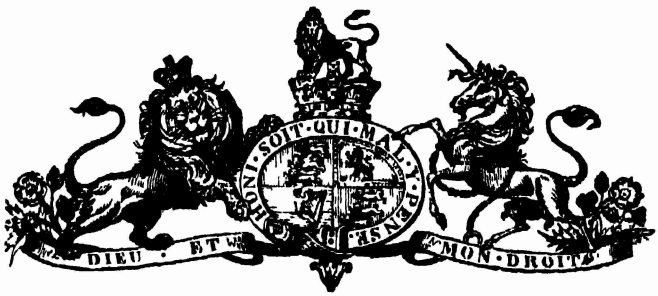
Manner as if it had been originally enacted by the said Act that the same should not come into operation until that Time.

LONDON:
Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1849.




ANNO DUODECIMO & DECIMO TERTIO

# VICTORIÆ REGINÆ.

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## CAP. CXI.

### An Act to amend the Nuisances Removal and Diseases Prevention Act, 1848.

[1st *August* 1849.]

WHEREAS it is expedient that the Nuisances Removal and Diseases Prevention Act, 1848, should be amended, and that the Powers of the General Board of Health in relation to certain of the Purposes of that Act should be extended: Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, That this Act shall be deemed to be Part of the Nuisances Removal and Diseases Prevention Act, 1848, and shall be construed accordingly.

11 & 12 Vict. c. 123.

This Act to be construed with Nuisances Removal and Diseases Prevention Act, 1848, as One Act.

II. And be it enacted, That it shall be lawful for the General Board of Health, or any Two of the Members thereof, from Time to Time as such Board shall see Occasion, to require, by Summons under the Seal of the said Board, or if by Two only of the Members of such Board, then under the Hands of such Two Members and the Seal of the said Board, (according to the Form in the Schedule annexed

Power to summon Witnesses, &c. in certain Cases.

annexed to this Act, or as near thereto as the Case will permit,) any Person to appear before such Board to testify on Oath the Truth touching any Matters respecting which the said Board are now or may hereafter be authorized to inquire (which Oath any Member of the said Board is hereby empowered to administer); and every Person who, after Tender of reasonable Expenses in that Behalf, shall not appear pursuant to such Summons, or shall not assign some reasonable Excuse for not so appearing, or refusing to be sworn or examined, shall, upon being convicted thereof before One of Her Majesty's Justices of the Peace or the Sheriff for the County or Place at and within which such Person shall have been by such Summons required to appear and give Evidence shall be situate, for every such Neglect or Refusal forfeit a Sum not exceeding Twenty Pounds.

Secretary of Board of Health may institute and carry on Prosecution for Violation or Neglect of Regulations.

III. And be it enacted, That the Secretary of the General Board of Health may, on the Order of the said Board, sealed with the Seal of such Board, and signed by any Two Members thereof, prosecute any Person for wilful Violation or Neglect of any Direction or Regulation issued by such Board under the Nuisances Removal and Diseases Prevention Act, 1848; and all Penalties sued for and recovered by such Secretary shall, notwithstanding anything contained in the last-mentioned Act, be paid to him, and be applied in defraying the Costs and Expenses incurred by him in such Prosecutions, and the Balance (if any) shall be applied in such Manner as the Lords Commissioners of Her Majesty's Treasury shall direct; and if the Penalties so recovered shall be insufficient to defray such Costs and Expenses, the Deficiency shall be defrayed out of any Monies which may be from Time to Time provided by Parliament for that Purpose.

Guardians of the Poor, &c. may direct Prosecutions in certain Cases.

IV. And be it enacted, That the Guardians, Directors, Wardens, Governors, or Overseers of the Poor, or Parochial Board, or other like Officers having the Management of the Poor, or acting under the Authority of any Local Act of Parliament for the paving, cleansing, drainage, or lighting any Town or Parish, may from Time to Time direct any Prosecutions or legal Proceedings for or in respect of the wilful Violation or Neglect of any Direction or Regulation issued by the General Board of Health, or in *Ireland* Commissioners of Health, under the Nuisances Removal and Diseases Prevention Act, 1848, and may defray the Expenses of such Prosecutions or Proceedings out of the Funds in their Hands applicable to the Relief of the Poor.

Ex-officio Guardians may act as Justices.

V. And be it enacted, That Justices of the Peace being *ex-officio* Guardians of the Poor may in all Cases, notwithstanding their



holding

holding the Office of Guardian, exercise in Petty Session the Jurisdiction vested in them as Justices of the Peace under the Nuisances Removal and Diseases Prevention Act, 1848.

Guardians of the Poor, &c. may take certain Proceedings upon the Certificate of Medical or Relieving Officer.

VI. And be it enacted, That Guardians, Directors, Wardens, Governors, Overseers, or Parochial Board, or other like Officers having the Management of the Poor, or acting under such Authority as aforesaid, upon the Receipt of a Certificate of any Medical or Relieving Officer of the Union or Parish for which any such Guardians, Directors, Governors, Overseers of the Poor, or Parochial Board, or other Officers, act, stating the Existence of any of the Cause or Causes of Complaint specified in the Sections numbered I. and II. in the Copies of the Nuisances Removal and Diseases Prevention Act, 1848, printed by Her Majesty's Printers, or in *Ireland* upon the Receipt of a like Certificate of any such Medical or Relieving Officer, or of any Two Constables of the Constabulary Force of the District or Place or of any Two Constables of the *Dublin* Police within the *Dublin* Police District, shall take all such Proceedings as by the said Sections respectively are required to be taken upon the Receipt of a Notice in Writing signed by Two Inhabitant Householders, and in the same Manner (as nearly as may be) as if such Notice had been given.

Guardians of the Poor, &c. may defray certain Expenses without an Order of Justices, Sheriff, or Magistrates.

VII. And whereas it is enacted by the Nuisances Removal and Diseases Prevention Act, 1848, that all Costs and Expenses reasonably incurred in carrying into effect certain Provisions therein contained, and not recovered from any Owner or Occupier of the Premises in respect of which such Expenses shall have been incurred, shall, upon an Order in Writing, specifying the Sum to be paid, under the Hands and Seals of Two Justices, or in *Scotland* under the Hands of the Sheriff or Magistrate, or Two Justices, be retained, paid, or defrayed by the Treasurer of the Guardians of the Poor, or Parochial Board, or by the Overseers of the Poor or other proper Officers, out of the Funds in their Hands applicable to the Relief of the Poor; and it is expedient that such Costs and Expenses should be retained, paid, and defrayed in certain Cases without an Order of Justices, Sheriff, or Magistrates: Be it therefore enacted, That whenever any such Costs and Expenses shall have been or shall be reasonably incurred by any Guardians, Directors, Wardens, Governors, Overseers of the Poor, or Parochial Board, or other like Officers having the Management of the Poor, and the same shall not have been recovered from the Owner or Occupier of the Premises in respect of which such Costs and Expenses shall have been incurred, such Costs and Expenses may, where an Order shall have been made by the Justices for the Removal or Abatement of the Nuisance, or in any

any Case where the Amount shall not exceed Twenty Shillings, be retained, paid, and defrayed by the Treasurer of such Guardians, or by such Directors, Wardens, Governors, Overseers, or Parochial Board, or other like Officers, (as the Case may be,) out of the Funds in their Hands applicable to the Relief of the Poor, without the Order of any Justice or Justices of the Peace, anything in the said Act to the contrary notwithstanding, and be charged as in the said Act directed.

Guardians of Unions or Parochial Boards may charge Expenses of removing Nuisances on Parish, &c. where Premises situated.

VIII. And be it enacted, That where the Guardians of a Union, or Parochial Board, shall, in the Execution of any Order or Regulation of the Board of Health issued under the Authority of the said herein-before mentioned Act, expend any Money in the Removal or Abatement of a Nuisance from any private Premises or Land, or from any public Place, they may, if they think fit, charge the same, where the Expenses do not exceed Twenty Shillings, to the Parish or Place or Electoral Division in the Union or Combination wherein the Premises shall be situated in respect whereof such Expenses shall have been incurred, and where they exceed Twenty Shillings, and the Guardians or the Majority of the Guardians, if more than Two Guardians of such Parish, Electoral Division, or Place, object in Writing to the said Expenses being so charged, then only upon an Order in Writing under the Hands and Seals of Two Justices, or in *Scotland* under the Hands of the Sheriff or Magistrates, or Two Justices, who are hereby required to make such Order, upon Application on behalf of such Guardians.

General Board of Health may cause Inquiry to be made into State of Burial Grounds, and may direct Measures of Precaution.

IX. And be it enacted, That it shall be lawful in *England* or *Wales* for the General Board of Health, and in *Ireland* for the Commissioners of Health, to cause Inquiry to be made by a Superintending Inspector, or by such other Ways and Means as the General Board of Health or such Commissioners may deem fit to direct, into the State of the Burial Grounds in any Part of *England* or *Wales* excepted from the Powers of the Public Health Act, 1848, or in any populous City, Town, or Place in *England* or *Wales* to which for the Time being the said Act has not been applied, or in any populous City, Town, or Place in *Ireland;* and if it appear to the General Board of Health or the said Commissioners that any such Burial Ground is in such a State as to be dangerous to the Health of the Persons living in the Neighbourhood thereof, it shall be lawful for the said General Board of Health in *England* and *Wales*, under the Seal of the said Board, and under the Hands of Two or more Members thereof, and the said Commissioners of Health in *Ireland*, under the Hands of Two or more of them, to issue such Orders as the said Board or Commissioners respectively may think fit for the Application

cation of such disinfecting Substances, and for the Adoption of such other Measures of Precaution in relation to the Premises, as may, in the Opinion of the said Board or Commissioners of Health, tend to lessen or remove the Danger to Health; and the Churchwardens and other Persons having the Care and Control of the Burial Grounds to which such Orders shall relate shall do all such Works and Matters in relation thereto as by such Orders may be directed, and all Expenses incurred in the Execution of such Orders shall be defrayed out of the Poor Rates of the Parish: Provided always, that no such Order as aforesaid shall be made after the End of the next Session of Parliament.

Where Churchyard is dangerous to Health Churchwardens may agree for the Burial of Parishioners in the Ground of any Cemetery Company or in the Burial Ground of any other Parish.

X. And be it enacted, That where it appears to the General Board of Health, or the Commissioners of Health in *Ireland*, that the Churchyard or other Burial Ground of any Parish is dangerous to Health as aforesaid, and that temporary Provision for Interment elsewhere is urgently required, the Churchwardens of such Parish, with the Consent of the Bishop of the Diocese and the Approval of such General Board of Health, or Commissioners of Health in *Ireland*, shall, if possible, either agree with any Cemetery Company for the Burial in the Ground of such Company of the Bodies of Persons having Right of Burial in the Churchyard or other Burial Ground of such Parish, or agree for the Burial of such Bodies in the Churchyard or Burial Ground of any other Parish of which the Minister and Churchwardens may consent thereto, and make all proper Arrangements in relation to such Burials: Provided always, that where any such Agreement as aforesaid shall be proposed to be made by the Churchwardens of any Parish, such Churchwardens shall submit such proposed Agreement to a Meeting of the Vestry, or Persons having the Powers of Vestry, in such Parish, and if the Majority of Persons assembled at such Meeting shall disapprove such Agreement the Churchwardens shall not proceed therewith; and the Expenses incurred by such Churchwardens in relation to such Agreement, and in carrying the same into effect, shall be paid out of the Poor Rates of their Parish; provided also, that no such Agreement as aforesaid shall be made after the End of the next Session of Parliament.

General Board of Health may direct Inquiries, where it may be expedient to prohibit Interment.

XI. And be it enacted, That where upon any such Inquiry as aforesaid it appears to the General Board of Health that the State of the Burial Grounds in any Parish, or in any Parishes which may be conveniently united for the Purposes herein-after mentioned, and the Circumstances of such Parish or Parishes render it expedient for the Protection of the Public Health that Interments should be prohibited in such Parish or Parishes, except as after mentioned,

 and

and that a Burial Ground or Burial Grounds should be provided for such Parish, or for the common Use of such Parishes, the General Board of Health may direct a Superintending Inspector to make Inquiry, in the Manner directed by the Public Health Act, 1848, or as near thereto as Circumstances will permit, into all the Circumstances connected with the Parochial and other Burial Grounds of such Parish or Parishes, and as to the Place or Places in which any Burial Ground or Burial Grounds might be provided, either within or beyond the Limits of such Parish or Parishes, and as to the Means which might be provided for the Conveyance of Bodies for Interment, and any other Arrangements which might be practicable for facilitating the convenient Interment of Bodies in the Burial Ground or Burial Grounds to be so provided, and as to the Rights in any Burial Ground in such Parish or Parishes, not being a Parochial Burial Ground, which might be affected by the Prohibition of Interments in such Parish or Parishes, and as to the Proportions in which several Parishes (if more than One) should contribute to the Expense of providing and maintaining a common Burial Ground or common Burial Grounds for such Parishes, and into such other Matters as the General Board of Health may think necessary for the Purpose of enabling them to judge of the Propriety of framing a Scheme to be submitted to Parliament as hereinafter mentioned, and of the Provisions which should be inserted therein; and such superintending Inspector shall report in Writing, in such Manner as the General Board of Health shall direct, the Result of his Inquiries in relation to the Premises.

Upon Report, Board of Health may frame a Scheme for providing new Burial Grounds.

XII. And be it enacted, That upon the Presentation of such Report the General Board of Health shall cause a Copy thereof to be transmitted to the Bishop of the Diocese, and Copies thereof to be published, in such Manner as they may direct, in the Parish or Parishes to which such Report relates, and to be deposited with the Minister and with the Churchwardens of such Parish or each of such Parishes; and the General Board of Health shall receive all such Statements in relation to the Matter of such Report as shall be delivered within a Time to be limited by the said Board in this Behalf, and may, where they think fit, cause further Inquiry to be made in relation to the Matter of such Report; and if after such Inquiry and Report, or further Inquiry as aforesaid, it appear to the said Board expedient so to do, they may frame a Scheme in which shall be set forth such Provisions as to the said Board under the Circumstances of each Case may appear proper for providing a Burial Ground or Burial Grounds for such Parish or Parishes as aforesaid, either within such Parish or any of such Parishes, or beyond the Limits thereof, as the Case may appear to require, to be in Law the Burial Ground for the

Parish

Parish or for each of the Parishes for the common Use of which the same is or are provided, and for the Maintenance and due Management and Control of such Burial Ground or Burial Grounds; for securing to the Ministers and others having Rights in respect of Burials in the Burial Grounds in which Interment is to be prohibited Compensation by like Rights in respect of Burials in the Burial Ground or Burial Grounds proposed to be provided or otherwise, and for providing and securing Rights in such Burial Ground or Burial Grounds in substitution for other Rights (which in the Opinion of the Board may require to be compensated) in Grounds in which Interment is to be prohibited; for the Election or Appointment of Persons to enter into Contracts for providing such Burial Ground or Burial Grounds, and to maintain and manage the same; for facilitating the Conveyance of the Bodies of the Dead from the Place of Death to such Burial Ground or Burial Grounds; for determining the Proportions in which the Expense of providing, maintaining, and managing such Burial Ground or Burial Grounds, where the same is or are provided for the common Use of any Parishes, shall be defrayed by such Parishes respectively; for prohibiting, after such Burial Ground or Burial Grounds shall be provided, Interment in such Parish or Parishes, except in such Cases as it may appear to the said Board may be specified and excepted; and generally for and concerning all Matters in relation to such Burial Ground or Burial Grounds as aforesaid, and the Arrangements consequent upon the Prohibition of Interments as aforesaid: Provided always, that all Provisions which shall be set forth in such Scheme concerning the Consecration of the Burial Ground or Burial Grounds to be provided, and concerning the Burial of Members of the United Church of *England* and *Ireland*, and the Compensation to be provided for Rights in respect of Burials and other Rights of Ministers of the said United Church which may be affected by the Prohibition of Interment in Parochial and other Burial Grounds, be approved by the Bishop of the Diocese; provided also, that such Scheme, with the Reports of the Superintending Inspectors in relation to the Matters thereof, shall be presented to both Houses of Parliament forthwith after the framing thereof, or, if Parliament be not then sitting, within Fourteen Days after the next Meeting thereof.

XIII. And be it enacted, That in citing this Act in any Act of Parliament, Deed, Instrument, or other Proceeding it shall be sufficient to use the Words "The Nuisances Removal and Diseases Prevention Amendment Act, 1849." Short Title of this Act.

XIV. And be it enacted, That this Act may be amended or repealed by any Act to be passed this present Session of Parliament. Act may be amended, &c.

SCHE-

## SCHEDULE to which this Act refers.

### Form of Summons.

We, the General Board of Health, [*or* We, whose Names are hereunto set, being Two of the Members of the Board of Health,] do hereby summon and require you personally to appear before the General Board of Health, at in the Parish of in the County of on next the Day of at the Hour of in the noon of the same Day, and then and there to be examined, and to testify the Truth touching certain Matters with respect to which the Board is authorized to inquire.

Sealed with the Seal of the General Board of Health, [*or* Given under our Hands and Seals, and the Seal of the General Board of Health,] this Day of in the Year of our Lord One thousand eight hundred and

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